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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

EMERGENCY AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending section (15).

PURPOSE: *The emergency amendment to section (15) provides for using either a third or fourth base year cost report that is the most representative of costs for first tier hospitals.*

EMERGENCY STATEMENT: *The Division of Medical Services finds that this emergency amendment is necessary, to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment makes adjustments to the Medicaid add-on payments for state fiscal year 2001 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on Medicaid payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency action. If this emergency amendment is not enacted it will cause significant cash flow shortages and financial strain on all hospitals who serve the more than 600,000 Medicaid recipients. This will, in turn, result in an adverse impact on the health and welfare of*

those in need of medical care and treatment. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed April 9, 2001, effective April 19, 2001, expires October 15, 2001.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, *based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred*. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs *[shall be based on]* **may be the third or fourth prior year cost report. The Division of Medical Services shall exercise its sole discretion as to which report is most representative of costs.** For all other hospitals, the base year operating costs are based on the fourth prior year cost report. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report.

C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

AUTHORITY: *sections 208.152, 208.153, 208.201 and 208.471, RSMo [1994] 2000. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969.*

For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

EMERGENCY RULE

13 CSR 70-15.150 Enhancement Pools

PURPOSE: This rule creates enhancement pools to increase reimbursement to government-owned hospitals and all hospitals, in an amount not to exceed the Medicare upper limit payment for the Medicaid program.

EMERGENCY STATEMENT: This emergency rule creates enhancement pools to increase reimbursement to government-owned hospitals and all hospitals, in an amount not to exceed the Medicare upper limit payment for the Medicaid program. This emergency rule is necessary in order to protect the health and safety of senior Missourians who receive care in hospitals by promoting quality of care through increased Medicaid reimbursement. The emergency amendment is also necessary to ensure compliance with the Medicaid State Plan as required by federal law. Absent this emergency rule, the Division will be precluded from maximizing federal participation in funding of the medical assistance program which will cause financial strain on all hospitals which serve Medicaid recipients. As a result, the Missouri Division of Medical Services finds an immediate danger to the public health and welfare and a compelling governmental interest which require emergency action. A proposed amendment covering this same material is published in this Missouri Register to allow for public comment to assure fairness to all interested persons and parties. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in Missouri and United States Constitutions. The Division of Medical Services believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed April 9, 2001, effective April 19, 2001, and expires October 15, 2001.

(1) Medicaid Enhancement Pools. Each participating government owned or operated hospital may be paid a one-time per year payment from an enhancement pool that shall be calculated at a percentage to be specified by the Department of the aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals for services covered by the Missouri Medicaid program.

(A) The aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals will be calculated as follows. The per-diem Medicaid rates used in the calculation will be those being paid at the time of the calculation. The Medicare upper limit calculation will be based on the uniform cost report for the third previous rate year, trended forward (for example, calculation for state fiscal year 2001 would be based on hospital cost reports ending during calendar year 1998, trended forward). The difference for each facility will then be multiplied by the Medicaid days at that particular hospital. The product of all calculations shall then be added together with the resulting sum comprising the aggregate difference between the Medicare upper limit and the per-diem Medicaid reimbursement for all facilities.

(B) The enhancement payment shall be distributed to participating governmental hospitals based on their pro-rata share of Medicaid patient days.

(C) A participating government owned or operated hospital is one that has entered into an intergovernmental funds transfer agreement with the Department.

(2) All Medicaid enrolled hospitals may participate in distributions from a second pool that shall be calculated at a percentage to be specified by the Department of the aggregate difference between the Medicare Upper Limit and per-diem reimbursement for all Medicaid enrolled hospitals for services covered by the Missouri Medicaid program, as defined above. The second pool shall be distributed annually as a one-time payment, made in addition to per-diem payments, to all Medicaid enrolled hospitals based on their pro-rata share of Medicaid days.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. Emergency rule filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. A proposed rule covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 13—Boll Weevil Eradication

PROPOSED AMENDMENT

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties. The department is amending sections (1)–(5).

PURPOSE: This amendment changes the schedule of fee payment, certification and adds a requirement of filing intended acres.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo [Supp. 1998] 2000, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as defined by the Certified Cotton Growers Organization,

shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all **cotton growers in an eradication area shall certify their actual cotton acreage with their local Farm Service Agency (FSA) office in accordance with the FSA final certification date. All cotton growers shall also file a cotton acreage reporting form with their local [United States Department of Agriculture, Farm Service Agency (FSA)] FSA office by [August] May 15, [showing actual certified cotton acreage. At this time, a fee not to exceed fifteen dollars (\$15) per acre, shall be assessed and paid based on certified acreage] indicating intended cotton acreage to be planted during the current growing season. Intended cotton acreage filing will be required starting with the second year of the eradication program;**

(C) All fees paid by **cotton growers shall be [submitted to the local FSA office and] made payable and submitted to the Missouri Department of Agriculture by October 15 during each year that the eradication program is in operation.**

(2) *[Growers]* **Any cotton grower** underreporting by more than ten percent (10%) of the actual planted **cotton** acreage, as determined by FSA certified or measured acreage, will be assessed a penalty of five dollars (\$5) per acre on that acreage, in addition to the annual assessment fee. *[Growers]* **Any cotton grower** underreporting **cotton** acreage by more than ten percent (10%) *[due to emergency or hardship,]* may apply for a waiver. Any **cotton** grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision *[of]* whether or not to waive all or part of these requirements shall be made by the director and notification given to the **cotton** grower within two (2) weeks after receipt of such application. *[The director shall base the decision upon the following:*

(A) Meteorological conditions;

(B) Economic hardship; and

(C) Any other uncontrollable destructive forces.]

(3) Failure to pay all assessments due on or before *[August] October 15 [deadline]* of the current growing season will result in a penalty fee of five dollars (\$5) per acre. A **cotton** grower who fails to pay all assessments, including penalties, *[within thirty (30) days of notice]* is subject to all provisions of section 263.534, RSMo *[Supp. 1998] 2000.*

(4) *[A]* **Any cotton** grower may apply for a waiver requesting delayed payment under conditions of financial hardship or bankruptcy. Any **cotton** grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by a financial statement from a bank or lending agency supporting such request. No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars (\$15,000). *[All]* **Any cotton** grower/s granted a waiver request/s/ for financial hardship or bankruptcy will be charged interest payable at a rate equal to one percent (1%) above prime per annum **as listed in the Wall Street Journal on the date of the waiver application.** The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the **cotton** grower by the director within *[two (2) weeks] thirty (30) days* after receipt of such application. Failure to *[pay all fees or]* file a completed waiver request for delayed payment on or before *[August] October 15* of the current growing season will result in a penalty fee of five dollars (\$5) per acre.

(5) At such times as are beneficial to the boll weevil eradication program, the Certified Cotton Growers Organization may authorize credits for early cotton stalk destruction. Such credits shall be applied to the subsequent year's assessment as determined by the Certified Cotton Growers Organization. In order to claim such credits—

(A) The **cotton** grower must complete a stalk destruction verification form. Such forms must be completed at the local FSA office;

*AUTHORITY: sections 263.505, **263.512**, 263.517, [and] 263.527 and **263.534**, RSMo [Supp. 1998] 2000. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed March 29, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated \$48,000,000 over a seven-year period. See attached fiscal note.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Plant Industries Division, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

[illegible]

III. WORKSHEET

County	Number of Farms with Cotton
Bollinger	0
Butler	7
Cape Girardeau	0
Dunklin	298
Mississippi	8
New Madrid	243
Pemiscot	167
Ripley	0
Scott	37
Stoddard	93
TOTAL	853

IV. ASSUMPTIONS:

The farm number data presented is from the 1997 National Census of Agriculture, National Agricultural Statistic Service. General trends, as forecasted by the Missouri Agricultural Statistic Service (MASS), reflects a decline in the number of farms. Cotton acreage is also variable from year to year. The figure used to estimate number of acres is from prospective 2001 cotton planting as stated by the National Cotton Council Survey. The maximum assessment will be \$10.00/A for the first year of the program and \$12.50/A for the remaining six years. Conditions such as favorable weather occurrences could reduce the program cost which will be reflected on a year to year basis. Additional state funds would also reduce the cost on an annual basis. The penalty estimate is based upon ten percent of the reported acres being delinquent, with a five dollar per acre charge.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending section (1) on inspection fees.

PURPOSE: This rule is being amended by changing the time period for which the fees apply and publishing the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.

(1) The inspection fee for Fiscal Year [2001 (July 1, 2000–June 30, 2001)] **2002 (July 1, 2001–June 30, 2002)** shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo [1999] 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: six producer marketing agencies and six additional Grade A dairy plants located in the State of Missouri (to be assessed five cents per hundred weight on milk produced and/or handled) and eight producer marketing agencies and 34 individual Grade A dairy plants (to be assessed at four cents per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,468,136 for the period July 1, 2001 through June 30, 2002.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled for June 4, 2001, at 11:00 a.m. CDT, in the conference room of the State Milk Board Office, 911-D Leslie Blvd., Jefferson City, Missouri. Written comments must be received no later than June 4, 2001. Comments regarding the proposed amendment may be sent to Terry S. Long, Executive Secretary, State Milk Board, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone 573/751-3830.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Title 2 – DEPARTMENT OF AGRICULTURE
 Division: Division 80 – State Milk Board
 Chapter: Chapter 5 - Inspections
 Type of Rulemaking: PROPOSED AMENDMENT
 Rule Number and Name: 2 CSR 80-5.010 Inspection Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Producer Mktg. Agencies	5¢ c.w.t.*
6	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
8	Producer Mktg. Agencies	4¢ c.w.t.*
34	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,136

III. WORKSHEET

PRIVATE ENTITY COSTS:

FY 2002

6	Producer Marketing Agencies and		
6	Grade A Dairy Plants of Missouri		5¢ c.w.t.*
8	Producer Marketing Agencies and		
34	Grade A Dairy Plants Outside Missouri		4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,136

* c.w.t. = per hundred weight (cost per pound)

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '00. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION****Division 30—Division of [School Services]
Administrative and Financial Services
Chapter 261—Pupil Transportation****PROPOSED AMENDMENT**

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body. The board is proposing to amend section (1) and the incorporated by reference material.

PURPOSE: The amendment is a result of changes to the *National School Transportation Specifications and Procedures* and *Federal Motor Vehicle Safety Standards*, and recommendations from the 2000–2001 Minimum Standards Technical Advisory Committee. The amendment will enhance the safety of schoolchildren being transported in school buses.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) [This rule incorporates by reference material titled *1997 Missouri Minimum Standards for School Buses*, to reflect the changing needs of pupil transportation in Missouri, changes in national standards for school buses and federal motor vehicle safety standards.] **The 2002 Missouri Minimum Standards for School Buses**, is hereby incorporated by reference and made a part of this rule to reflect the changing needs of pupil transportation in Missouri, changes in national specifications for school buses and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

AUTHORITY: section 304.060, RSMo [Supp. 1994] **2000**. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. Amended: Filed Sept. 22, 1983, effective Feb. 15, 1984. Amended: Filed Oct. 29, 1986, effective March 1, 1987. Emergency amendment filed Sept. 21, 1990, effective Oct. 1, 1990, expired Jan. 28, 1991. Amended: Filed Sept. 21, 1990, effective March 14, 1991. Amended: Filed Dec. 21, 1992, effective July 8, 1993. Amended: Filed April 24, 1996, effective Dec. 30, 1996. Amended: Filed Nov. 20, 1996, effective May 30, 1997. Amended: Filed March 21, 2001.

PUBLIC COST: The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$549,791 for Fiscal Year 2001. The current public cost of this rule for public school districts is estimated to be \$392,027 for Fiscal Year 2001. The cost will be reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly. The proposed amendment is estimated to increase the Department of Elementary and Secondary Education's cost by \$62,491 for Fiscal Year 2002 and \$196,847 for Fiscal Year 2003, with the cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly. The proposed amendment is estimated to increase the public school district's cost by \$44,559 for Fiscal Year 2002, and \$140,361 for Fiscal Year 2003, with the cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based on yearly appropriations from the General Assembly.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Gary Dixon, Director of School Governance, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
Division: 30 Division of Administrative and Financial Services
Chapter: 261 Pupil Transportation
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body

II. SUMMARY OF FISCAL IMPACT

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$549,791 for Fiscal Year 2001, \$639,771 for Fiscal Year 2002 and \$802,991 for Fiscal Year 2003. The current public cost of this rule for the 524 public school districts is estimated to be \$392,027 for Fiscal Year 2001, \$456,188 for Fiscal Year 2002 and \$572,571 for Fiscal Year 2003. The costs will be reoccurring annually after Fiscal Year 2003 with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	Estimated \$549,791 for FY2001, \$639,771 for FY2002 and \$802,991 for FY2003 with this cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.
Public School Districts	Estimated \$392,027 for FY2001, \$456,188 for FY2002 and \$572,571 for FY2003 with this cost reoccurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

III. WORKSHEET

<u>Increased Expenditures Due to Rule Amendment</u>	<u>FY2002</u> (Remainder of FY)	<u>FY2003</u> (First Full FY of Implementation)
1. Lettering for fuel filler opening	\$ 800	\$ 2,520
2. Increased emergency exit requirements	<u>\$106,250</u>	<u>\$334,688</u>
Total	\$107,050	\$337,208

School Districts are reimbursed a maximum of 75% of their allowable costs for pupil transportation. However, a three-year average indicates a percentage of 87.31 of eligible costs to allowable costs and a 66.86% of entitlement to eligible costs. The three-year averages have been used to estimate the increased expenditures due to the proposed amendment.

IV. ASSUMPTIONS

It is assumed the increased cost of school buses will affect the cost of pupil transportation of school districts either by the direct purchase of a school bus or by the increased cost to contractors for vehicles being passed on to the school district.

It is estimated that approximately 800 school buses are being purchased in a given fiscal year throughout Missouri.

It is estimated that one-third of the buses purchased in FY2002 will be affected by the proposed amendment.

It is estimated the cost to implement the rule has increased by 5% each year.

Prices are the projected cost supplied by a major school bus distributor.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 100—Adult Education**

PROPOSED AMENDMENT

5 CSR 60-100.020 Administration of High School Equivalence Program. The board is proposing to amend the Purpose, sections (2), (3), (4), (5), (7), and subsections (1)(C), and delete the form that immediately follows this rule in the *Code of State Regulations* and the reference to the Atty. Gen. Opinion.

PURPOSE: This amendment is necessary to provide a simplified process for the state board to maintain a fee structure for the GED program and to clarify the program rule in place.

PURPOSE: The [State] Department of Elementary and Secondary Education (DESE) determines applicant eligibility, arranges for testing, establishes minimum standard score requirements, issues certificates, approves reexamination in accordance with the policies and procedures of the General Educational Development Testing Services (GEDTS) of the American Council on Education (ACE). [and] DESE cooperates with the Defense Activity for Nontraditional Education Support (DANTES) and United States Armed Forces Institute (USAFI) testing programs.

(1) To be eligible to take the General Educational Development (GED) tests and earn a Missouri High School Equivalency Certificate, a person cannot be enrolled in elementary or secondary school, must be a resident of Missouri (with a Missouri mailing address), and meet one (1) of the following requirements:

(C) Be sixteen (16) or seventeen (17) years of age, withdrawn from school and—

1. Have the written permission of the superintendent or principal of school last attended; *[or]*

2. Have written permission of parent or legal guardian, if home-schooled; *or*

[2.] 3. Be incarcerated or have the written permission of the juvenile judge if under the court's jurisdiction.

(2) Arrangements for Taking the GED Tests.

(A) Servicemen who are residents of Missouri or who are stationed in Missouri in active military service will be allowed to take the GED tests upon the payment of the regular fee established by the Missouri State Board of Education (**the board**).

(B) The GED tests are administered under the direction of *[the State Department of Elementary and Secondary Education] DESE* at centers approved and designated by *[the State Department of Elementary and Secondary Education] DESE*.

(C) Application forms may be *[secured]* **obtained by contacting the GED Office** *[writing to Director, Adult Education, State Department of Elementary and Secondary Education]*, P.O. Box 480, Jefferson City, MO 65102. The completed form is to be returned for approval. Only approved applicants may take the examination. Positive identification in the form *[or]* of a current Missouri driver's license, Missouri non-driver ID, or United States Passport must be presented by the examinee before being allowed to take the GED test. The local testing center is responsible for positive identification of examinees.

(D) A fee must accompany each application. The remittance by cash, postal money order or cashier's check must be made payable to the Treasurer, State of Missouri. The fee is *[not]* **nonrefundable** and nontransferable. Personal checks are not accepted. The fee for processing applications and issuance of a certificate when achieved will be *[eighteen dollars (\$18)]* **twenty dollars (\$20)**. An additional application and fee of *[eighteen dollars (\$18)]* **twenty**

dollars (\$20) will be required each time an individual retakes any part of the test. Processing of an application and issuance of a certificate to an individual who took the test through the United States Armed Forces Institute/Defense Activity for Nontraditional Education Support will be *[eighteen dollars (\$18)]* **twenty dollars (\$20)**. In addition to the fee paid to the Treasurer, State of Missouri, an examinee will pay the local testing center a fee set by the local testing center not to exceed nine dollars (\$9) each time the tests are taken. A fee of two dollars (\$2), payable to the Treasurer, State of Missouri, also will be charged for each transcript issued other than the original. Replacement certificates may be purchased for a fee of fifteen dollars (\$15), payable to Treasurer, State of Missouri.

(3) Local testing centers will assign testing dates to applicants who have been authorized by *[the Department of Elementary and Secondary Education] DESE* to take the test or to retake all or part of the test. The following areas are covered by the tests: Correctness and Effectiveness of Expression, Interpretation of Reading Materials in the Social Studies, Interpretation of Reading Materials in the Natural Sciences, Interpretation of Literary Materials and General Mathematical Ability.

(4) Effective May 1, 1992, a total minimum standard score of two hundred twenty-five (225) or above on the five (5) tests of GED, with no score below forty (40), is required to qualify for a Missouri Certificate of High School Equivalence. *[Certificates issued prior to May 1, 1992, required a total standard score of two hundred twenty-five (225) or above on the five (5) tests, with no score below thirty-five (35). Certificates issued prior to September 9, 1968, required a total standard score of two hundred forty (240) or above on the five (5) tests, with not more than one (1) score below forty-three (43).]*

(5) Certificates of High School Equivalence are issued only by *[the State Department of Elementary and Secondary Education] DESE*. Public high schools are not permitted to issue these certificates nor are they permitted to issue a diploma on the basis of the GED tests as these tests do not satisfy legal requirements for a high school diploma in Missouri.

(7) GED Tests *[Given]* **given** by *[the Defense Activity for Nontraditional Education Support (DANTES)]* DANTES or *[United States Armed Forces Institute (USAFI)]* USAFI are recognized by Missouri. A completed application form, fee and an official transcript *[to]* **of** GED scores must be submitted to *[Director, Adult Education, State Department of Elementary and Secondary Education] the GED Office*, P.O. Box 480, Jefferson City, MO 65102. A Missouri Certificate of High School *[Equivalency]* **Equivalence** will be issued if the standard scores meet the minimum score requirements established by the *[State Board of Education] board*.

AUTHORITY: sections 161.092 and 161.093, RSMo [1994] 2000. Original rule filed Oct. 10, 1969, effective Oct. 20, 1969. Amended: Filed Oct. 14, 1976, effective Feb. 1, 1977. Amended: Filed Feb. 13, 1978, effective May 15, 1978. Amended: Filed June 28, 1985, effective Oct. 14, 1985. Amended: Filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Jan. 28, 1992, effective Sept. 6, 1992. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed March 24, 1998, effective Oct. 30, 1998. Amended: Filed March 21, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities, the potential examinees collectively, \$181,493 in

the Fiscal Year 2002, with that cost reoccurring annually thereafter over the life of the rule for approximately 13,961 potential examinees a year. The cost for the life of the rule for each individual potential examinee is \$2 for the application fee and \$11 for the administration fee. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. ATTN: Dr. Nancy J. Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 -- Department of Elementary and Secondary Education

Division: 60 Vocational and Adult Education

Chapter: 100 Adult Education

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 60-100.020 Administration of High School Equivalence Program

II. SUMMARY OF FISCAL IMPACT

Estimate the number of examinees which would likely be affected by the adoption of the proposed rule:	Estimate in the aggregate as to the cost of compliance with the rule by the affected examinees:
13,961 per year	\$181,493

III. WORKSHEET

\$2.00 increased application fee x 13,961 examinees = \$27,922 per year
\$11.00 increased application fee x 13,961 examinees = \$153,571
\$27,922 + \$153,571 = \$181,493

IV. ASSUMPTIONS

Based upon previous data from past years, the Board assumes the 13,961 examinees for certification.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The board proposes to amend subsections (10)(A), (10)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increased the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(10) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)] ninety (90)* days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)] ninety (90)* days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021 and 168.071, [RSMo Supp 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The board proposes to amend subsections (12)(B), (12)(C), (12)(D), (20)(A), (20)(B), (23)(A), (23)(B) and the incorporated by reference material.

tions (12)(B), (12)(C), (12)(D), (20)(A), (20)(B), (23)(A), (23)(B) and the incorporated by reference material.

PURPOSE: This amendment adds an additional certificate of license to teach content area to the initial eligibility criteria for the Administrator I certificate. It clarifies the coursework requirements for renewal of the five-year certificate of the vocational director certificate, updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(B) The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education, [and/or] vocational-technical and/or student services; and

(C) The applicant must possess two (2) years of full-time teaching experience at the level grade **seven (7)**–adult, as approved by the department; **or two (2) years of full-time experience at grade seven (7) through adult level other than teaching.**

[(D) The applicant must possess two (2) years of full-time teaching experience in practical arts or vocational-technical education.]

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of *[the Vocational Leadership Academy]* **a planned program of graduate credit** focused upon general and vocational administration from a state-approved college or university to prepare vocational *[education]* **school administrators.** The *[Vocational Leadership Academy]* **planned program** shall include **a minimum of fifteen (15) hours of approved graduate credit, which meet** the competencies identified for the certificate of license to teach;

(B) *[Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;]* **Successful completion of the build-level administrator's assessment;**

(23) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)] ninety (90)* days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)] ninety (90)* days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071 [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education**

**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The board proposes to amend subsections (19)(A), (25)(A), (25)(B) and the incorporated by reference material.

PURPOSE: This amendment clarifies the coursework requirements for renewal of the five-year certificate of the vocational adult education supervisor, updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(19) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of *[the Vocational Leadership Academy]* a **planned program of graduate credit** focused upon general and vocational administration from a state-approved college or university to prepare vocational **adult** education supervisors. The *[Vocational Leadership Academy]* **planned program** shall include a **minimum of fifteen (15) hours of approved graduate credit, which meet** the competencies identified for the certificate of license to teach;

(25) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify the department within *[thirty (30)]* **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform the department in writing of the change within *[thirty (30)]* **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071 [RSMo Supp 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education**

**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED AMENDMENT

5 CSR 80-800.260 [Alternative Certification and Special Assignment] Temporary Authorization Certificate of License to Teach. The board proposes to amend the Purpose, sections (1), (2), (4), (5), (6), (7), (8), (9) and the incorporated by reference material. The board is proposing to delete sections (10)–(18).

PURPOSE: This amendment changes the name and requirements for a special assignment certificate of license to teach, increases the time for an individual to notify the department of a name and/or address change and updates the certification requirements in the incorporated by reference material.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for *[alternative certification by application for a special assignment]* a **temporary authorization** certificate of license to teach when the applicant is employed by a Missouri public school district **or accredited non-public school**.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a *[special assignment]* Missouri **temporary authorization** certificate of license to teach (**temporary authorization certificate**) who possesses good moral character may be granted a **temporary authorization** certificate *[of license to teach in one (1) of the areas of special assignment]* upon joint application with a Missouri public school district **or accredited nonpublic school**. The *[special assignment certificate of license to teach]* **temporary authorization certificate** is limited to the employing Missouri public school district **or accredited nonpublic school**. *[Additional certificates of license to teach*

will not be granted.] An applicant for a temporary authorization certificate may apply for only one (1) area of certification at a time.

(2) Applications for a *[special assignment]* Missouri temporary authorization certificate *[of license to teach]* shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section at the Department of Elementary and Secondary Education at P./O./J. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(4) *[The applicant must possess a baccalaureate or higher degree from an accredited college or university.] The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.*

(5) *[The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study.] The employing Missouri public school district or accredited nonpublic school must develop a mentoring program to provide adequate support to the holder of the temporary authorization certificate to ensure proper transition into the classroom environment.*

(6) *[Applicants must document a minimum of three (3) years of work experience in which the content of their baccalaureate or higher degree major is significantly applied in the area of special assignment. Exceptions may be made on the school district's recommendation and approved by the Department of Elementary and Secondary Education (DESE).] The applicant for a temporary authorization certificate must comply with the following criteria:*

(A) Possession of a baccalaureate or higher degree from an accredited college or university;

(B) Possession of a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study;

(C) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school;

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of an academic program of study from a state-approved teacher preparation program must be submitted. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from the Department of Elementary and Secondary Education (DESE) based on the requirements set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule must be submitted; and

(E) The temporary authorization certificate will not include administrative areas. Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must also submit an academic program of study for a certificate of license to teach in a stand-alone area, as these areas cannot stand alone.

(7) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information*

regarding any disciplinary action.] The temporary authorization certificate is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Completion of nine (9)-semester hours of course work towards the professional teaching certificate of license to teach in the area of assignment. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach;

(B) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school; and

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school.

(8) *[The employing school district must develop a mentoring program to provide adequate support to the special assignment certificate of license to teach holders to ensure proper transition into the classroom environment.] The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.*

(9) *[The applicant for a special assignment certificate of license to teach under the five percent (5%) program must comply with the following additional criteria:] The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.*

[(A) Submission of a joint application with a Missouri public school district whose total classroom teachers with a special assignment certificate of license to teach reported semi-annually to DESE core data does not exceed five percent (5%);

(B) The applicant must not hold, have held or be eligible to hold a certificate of license to teach;

(C) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study. The major area of study must be listed as an area of secondary and/or middle school education certification in the rules promulgated by the board. In addition, a five percent (5%) special assignment certificate of license to teach may be granted in art, music or foreign language, grades kindergarten through twelve (K-12), if the area was the applicant's baccalaureate or higher degree major area of study. Five percent (5%) special assignment certificates of license to teach will not be issued in early childhood education, elementary education, special education, pupil personnel services, and/or administrator; and

(D) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study and the original sponsoring Missouri public school district. The five percent (5%) special assignment certificate of license to teach may only be used in the original sponsoring Missouri public school district.]

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify the department within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform the department in writing of

the change within ninety (90) days of the effective date of the change of address.

(10) The five percent (5%) special assignment certificate of license to teach is valid for up to one (1) school year. The five percent (5%) special assignment certificate of license to teach may be renewed annually for a maximum total of three (3) school years by joint application from the original sponsoring Missouri public school district and the five percent (5%) certificate holder and documentation by the school district administrator that the five percent (5%) certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made part of this rule. A five percent (5%) special assignment certificate of license to teach may only be issued for a maximum of three (3) years and the holder is ineligible for consideration of another five percent (5%) special assignment certificate of license to teach.

(11) The applicant for a special assignment certificate of license to teach under the alternative teacher certification program must comply with the following additional criteria:

(A) Documentation of the applicant's acceptance into an Alternative Teacher Certification Program offered by Missouri colleges/universities with state-approved teacher education programs. Early childhood, elementary education and administrators will not be included in the Alternative Teacher Certification Program;

(B) Verification of the completion of a general education background satisfactory to the teacher education institution;

(C) Documentation of participation in a structured interview selected by the teacher education institution. The interview should assess the candidate's beliefs regarding the nature of teaching, the nature of students and the goals and mission of education as a profession. The interview may be utilized for screening purposes (for example, the Missouri preprofessional teacher interview) or for diagnostic and counseling purposes (for example, the selection research, incorporated preservice teacher perceiver);

(D) Documentation of a contract between the applicant and the higher education institution which has an Alternative Teacher Certification Program approved by the board. The contract should permit the applicant to enroll in course work demonstrating understanding of the following:

1. Adolescent development;
2. The psychology of learning; and

3. Teaching methodology in the content area. The course work must be completed prior to special assignment certification and employment; and

(E) Documentation of a four (4)-party contract with the applicant, the employing Missouri school district, the recommending teacher preparation program, and DESE upon completion of the course work outlined above.

(12) The alternative teacher certification special assignment certificate of license to teach is valid for a period of one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the

area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

(13) The applicant for a special assignment certificate of license to teach under the critical needs program must comply with the following additional criteria:

(A) Submission of a letter from the school district's superintendent documenting a critical need in the area of certification as approved by DESE;

(B) Documentation of a plan of an academic program of study from a state-approved teacher preparation program;

(C) Documentation of a four (4)-party contract with the applicant, the employing school district, the recommending teacher preparation program, and DESE.

(14) The critical needs special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

(15) The applicant for a special assignment certificate of license to teach under the foreign exchange program must comply with the following additional criteria:

(A) Possession of a valid certificate of license to teach or similar title from a country with which DESE has a memorandum of understanding; and

(B) The applicant must obtain a criminal history and background check similar to the FBI check from the applicant's country of origin.

(16) The foreign exchange special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed pursuant to the memorandum of understanding and the criteria as set forth in the Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule.

(17) The applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(18) The holder of a special assignment certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a special assignment certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a special assignment certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.]

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach. The board proposes to amend subsections (9)(A), (9)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(9) The holder of a vocational-technical certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of a vocational-technical certificate of license to teach whose name is changed by marriage or court order shall notify the department within [thirty (30)] **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a vocational-technical certificate of license to teach whose address has changed shall inform the department in writing of the change within [thirty (30)] **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071[, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The board proposes to amend subsections (11)(A), (11)(B) and the incorporated by reference material.

PURPOSE: This amendment updates the certification requirements in the incorporated by reference material and increases the time for an individual to notify the department of a name and/or address change.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(11) The holder of an AEL certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify the adult education section of the department within [thirty (30)] **ninety (90)** days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform the adult education section of the department in writing of the change within [thirty (30)] **ninety (90)** days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071[, RSMo Supp. 1999] and 168.081, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—[Urban and Teacher Education] Teacher
Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The board proposes to amend subsections (2)(D), (2)(G), (2)(J), (2)(L), Appendix A and the incorporated by reference material.

PURPOSE: This amendment adds certification areas for biology, chemistry, earth science, general science, physics, changes the special assignment certificates of license to teach to temporary authorization certificates of license to teach, adds vocational-technical certificates of license to teach in business education, and updates the certification requirements in the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(2) Certificates of license to teach are issued and renewed by the State Board of Education pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

(D) Secondary education, grades 9–12 in the following areas:

1. Agricultural education;
2. Art;
3. Business education;
- [4.] **Business education except shorthand;**
- [5.] **4. English;**
- [6.] **5. Family and consumer sciences;**
- [7.] **6. Health;**
- [8.] **7. Industrial technology;**
- [9.] **8. Journalism;**
- [10.] **9. Mathematics;**
- [11.] **10. Physical education;**
- 11. Science: biology;**
- 12. Science: chemistry;**
- 13. Science: earth science;**
- 14. Science: general science;**
- 15. Science: physics;**
- [12.] **16. Social science;**
- [13.] **17. Speech/theatre;**
- [14.] **18. Unified science: biology;**
- [15.] **19. Unified science: chemistry;**
- [16.] **20. Unified science: earth science;**
- [17.] **21. Unified science: physics; and/or**
- [18.] **22. Vocational family and consumer science;**

(G) Other certification areas may be added to a certificate of license to teach except for *[occupational vocational] vocational-technical*, adult education and literacy, *[special assignment] temporary authorization* and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K–9;
2. Driver education, grades 9–12;
3. English for speakers of other languages, grades K–12;

4. Family resource specialist, birth–grade 3;
5. Foreign language, grades K–9;
6. Gifted education, grades K–12;
7. Health, grades K–9; and/or
8. Special reading, grades K–12;

(J) Vocational-technical certificates of license to teach may be issued in one (1) or more of the following areas (see Appendix A which is *[incorporated by reference and made a part of this rule]* **included herein**):

1. Agriculture;
2. Business;
3. Family and consumer science;
4. Health science;
5. Junior Reserve Officers Training Corps (ROTC);
6. Marketing and cooperative education; and/or
7. Trade and industrial (T&I);

(L) *[Special assignment]* **Temporary authorization** certificates of license to teach; and/or

Appendix A—Vocational-Technical Certificates

Agricultural Education

01.0000	Agricultural Education
01.0101	Agricultural Business
01.0201	Agricultural Mechanics
01.0301	Agricultural Production
01.0401	Agricultural Processing
01.0501	Agricultural Services/Supplies
01.0601	Horticulture
03.0101	Agricultural Resources
03.0401	Forestry

Business Education

52.0302	Accounting
52.0407	Information Processing
52.0407	Network Administration
52.0408	General Office
52.1202	Computer Programming
[80.009513	Vocational Business Education]
[80.009514	Business Education without shorthand]
80.000015	Business Education with Coop

Family and Consumer Sciences Education

20.0201	Child Care and Guidance Workers and Managers
20.0301	Clothing, Apparel and Textile Workers and Managers
20.0401	Institutional Food Workers and Administrators-Dietetic Technology
20.0501	Home Furnishings and Equipment Installers and Consultants
[02/20.0601	Custodial, Housekeeping and Home Services Workers and Managers
20.9999	Vocational Family and Consumer Sciences

Health Sciences

12.0301*	Funeral Service and Mortuary Science
51.0000*	Health Occupations Coop
51.0205*	Sign Language Interpreter
51.0601*	Dental Assistant
51.0602*	Dental Hygienist
51.0603	Dental Laboratory Technician
51.0699	Dental Services, Other
51.0703	Health Unit Coordinator/Ward Clerk
51.0707*	Medical Record Technology/Technician (Health Information Technology)
51.0708*	Medical Transcription
51.0801*	Medical Assistant

51.0802*	Medical Laboratory Assistant	15.0601	Chemical Manufacturing Technology
51.0803*	Occupational Therapy Assistant	15.0603	Industrial/Manufacturing Technology/ Technician
51.0805*	Pharmacy Technician/Assistant		
51.0806*	Physical Therapy Assistant	15.0604	Manufacturing Technology
51.0808	Veterinarian Assistant/Animal Health Technician	15.0699	Industrial Production Technologies/Techni- cians, Other
51.0899	Health and Medical Assistants, Other	15.0701	Occupational Safety and Health Technology/ Technician
51.0904*	Emergency Medical Technology/Technician		
51.0907*	Medical Radiologic Technology/Technician	15.0702	Quality Control Technology/Technician
51.0908*	Respiratory Therapy Technician	15.0799	Quality Control and Safety Technologies/ Technicians, Other
51.0909*	Surgical/Operating Room Technology		
51.0910*	Diagnostic Medical Sonography Technician	15.0801	Aeronautical Technology
51.1004*	Medical Laboratory Technician	15.0803	Automotive Engineering Technology/ Technician
51.1501*	Alcohol/Drug Abuse Counseling		
51.1502*	Psychiatric/Mental Health Services Technician	15.0805	Mechanical Engineering/Mechanical Technol- ogy/Technician
51.1599	Medical Health Services, Other		
51.1601*	Registered Nursing (RN Training)	15.1001	Construction/Building Technology/Technician
51.1613*	Licensed Practical Nursing (LPN Training)	20.0309	Drycleaner and Launderer (Commercial)
51.1614*	Nursing Assistant/Aide	23.1101	English Technical and Business Writing
51.1615*	Home Health Aide	27.0301	Applied Mathematics, General
51.1699*	Nursing, Other	41.0301	Chemical Technology/Technical
51.2601*	Health Aide (Health Services Assistant)	43.0107	Law Enforcement/Police Science
51.9999	Health Professions and Related Sciences, Other	43.0201	Fire Protection and Safety Technology/ Technician
		43.0203	Fire Science/Firefighting
Marketing & Cooperative Education		46.0101	Mason and Tile Setter
04.0000	Marketing Education	46.0201	Carpenter
	Post-Secondary Marketing	46.0301	Electrical and Power Transmission Installer, General
03.0000	Cooperative Occupational Education		
05.0000	Cooperative Industrial Education	46.0302	Electrician
	Trade and Industrial Education	46.0303	Lineworker
10.0101	Educational/Instructional Media Technology/ Technician	46.0399	Electrical and Power Transmission Installer, Other
10.0104	Radio and Television Broadcasting Technol- ogy/Technician	46.0401	Building/Property Maintenance and Manager
12.0403*	Cosmetologist	46.0403	Construction/Building Inspector
12.0499	Cosmetic Services, Other	46.0408	Painter and Wall Coverer
12.0501	Baker/Pastry Chef	46.0499	Construction and Building Finishers and Managers, Other
12.0503	Culinary Arts	46.0501	Plumber and Pipefitter
12.0504	Food and Beverage/Restaurant Operations Manager	46.9999	Construction Trades, Other
12.0599	Culinary Arts and Related Services, Other	47.0101	Electrical and Electronics Equipment Installer and Repairer, General
15.0101	Architectural Engineering Technology/Techni- cian	47.0102	Business Machine Repairer
15.0201	Civil Engineering/Civil Technology/Techni- cian	47.0103	Communications Systems Installer and Repairer
15.0301	Computer Engineering Technology/Techni- cian	47.0104	Computer Installer and Repairer
15.0303	Electrical, Electronic and Communications Engineering Technology/Technician	47.0105	Industrial Electronics Installer and Repairer
15.0304	Laser and Optical Technology/Technician	47.0106	Major Appliance Installer and Repairer
15.0399	Electrical and Electronic Engineering-Related Technologies/Technicians, Other	47.0199	Electrical and Electronics Equipment Installer and Repairer, Other
15.0401	Biomedical Engineering-Related Technology/ Technician	47.0201	Heating, Air Conditioning and Refrigeration Mechanic and Repairer
15.0402	Computer Maintenance Technology/Techni- cian	47.0302	Heavy Equipment Maintenance and Repairer
15.0403	Electromechanical Technology/Technician	47.0303	Industrial Machinery Maintenance and Repairer
15.0404	Instrumentation Technology/Technician	47.0399	Industrial Equipment Maintenance and Repairer, Other
15.0405	Robotics Technology/Technician	47.0501	Stationary Energy Sources Installer and Operator
15.0499	Electromechanical Instrumentation and Main- tenance Technologies/Technicians, Other	47.0603	Auto/Automotive Body Repairer
15.0501	Heating, Air Conditioning and Refrigeration Technology/Technician	47.0604	Auto/Automotive Mechanic/Technician
15.0506	Water Quality and Wastewater Treatment Technology/Technician	47.0605	Diesel Engine Mechanic and Repairer
15.0599	Environmental Control Technologies/ Technicians, Other	47.0606	Small Engine Mechanic and Repairer
		47.0607*	Aircraft Mechanic/Technician, Airframe
		47.0608*	Aircraft Mechanic/Technician, Powerplant
		47.0609*	Aviation Systems and Avionics Maintenance Technologist/Technician
		47.0611	Motorcycle Mechanic and Repairer

47.0699	Vehicle and Mobile Equipment Mechanics and Repairer, Other
48.0101	Drafting, General
48.0102	Architectural Drafting
48.0103	Civil/Structural Drafting
48.0104	Electrical/Electronics Drafting
48.0105	Mechanical Drafting
48.0199	Drafting, Other
48.0201	Graphic and Printing Equipment Operator, General
48.0205	Mechanical Typesetter and Composer
48.0206	Lithographer and Platemaker
48.0208	Printing Press Operator
48.0211	Computer Typography and Composition Equipment Operator
48.0212	Desktop Publishing Equipment Operator
48.0299	Graphic and Printing Equipment Operator, Other
48.0303	Upholsterer
48.0501	Machinist/Machine Technologist
48.0503	Machine Shop Assistant
48.0506	Sheet Metal Worker
48.0507	Tool and Die Maker/Technologist
48.0508	Welder/Welding Technologist
48.0599	Metal Fabrication
48.0701	Woodworkers, General
48.0702	Furniture Designer and Maker
48.0703	Cabinet Maker and Millworker
48.0799	Woodworkers, Other
49.0202	Construction Equipment Operator
49.0205	Truck, Bus and Other Commercial Vehicle Operator
49.0299	Vehicle and Equipment Operators, Other
49.0306	Marine Maintenance and Ship Repairer
50.0201	Crafts, Folk Art and Artisanry
50.0402	Graphic Design, Commercial Art and Illustration
50.0404	Industrial Design
50.0406	Commercial Photography
50.0605	Photography
06.2002	Trade and Industrial Internship

* Requires Professional Licensing

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400 and 168.405, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The board proposes to amend sections (15) and (19) and the incorporated by reference material.

PURPOSE: This amendment changes titles of the special assignment and pupil personnel services certificates of license to teach to temporary authorization and student services certificates of license to teach and updates the certification requirements in the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(15) [Pupil personnel] **Student** services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(19) [Special assignment] **Temporary authorization** certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Celeste Ferguson, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—[Urban and Teacher Education] Teacher Quality and Urban Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The board proposes to amend section (2), subsection (1)(A), Appendix A and the incorporated by reference material.

PURPOSE: This amendment updates the certification and assessment requirements in the body of the rule and the incorporated by reference material.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area *[Tests]* **assessments** and the Principles of Learning and Teaching *[Tests]* **assessments** developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. *[The Principles of Learning and Teaching Test has been selected only for the area(s) of certification for which no content knowledge or specialty area test has been designated, except in the areas of special education (see Appendix A, which is incorporated by reference and made a part of this rule).]* Qualifying scores are established by the board and published by ETS for each *[test]* **assessment** designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must *[take]* **complete and achieve a Missouri qualifying score in** the content knowledge or specialty area *[test]* **assessment** in their major area of preparation or the appropriate principles of learning and teaching *[test]* **assessment** if no content knowledge or specialty area *[test]* **assessment** is designated, except in the areas of special education *[where the special education test is required for initial certification]*, **student services, and administration** (see **Appendix A, which is included herein**).

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two **(2)** years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not be required to take the designated assessment(s) in Missouri in order to receive the Missouri certificate **of license to teach**. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants **holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking additional certificate(s) of license to teach in other content areas, will receive the additional certificate(s) upon meeting either of the following conditions:**

A. *[May take the appropriate]* **Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area *[test(s) for certification]* assessment designated for the certificate of license to teach, except *[in]* for the areas of unified science, special education other than mild/moderate cross-**

category disabilities, student services, administration, vocational-technical, and adult education and literacy; or

B. *[Must meet]* **Successfully complete** the applicable certification *[standards]* **requirements** as set forth in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference and made a part of this rule.

[4. Beginning September 1, 2004, applicants for a Missouri certificate of license to teach will take the designated Praxis II content knowledge or specialty area test for each area of certification and achieve a qualifying score on each respective test.]

(2) Applicants seeking a certificate of license to teach *[and/or endorsement]* in a vocational-technical area, adult education and literacy, substitute and/or *[special assignment]* **temporary authorization** certificate of license to teach may not be required to take an exit assessment *[for the certificate or endorsement]* prior to the issuance of the certificate of license to teach.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

Missouri Certificate of License to Teach	Test Code	Designated Assessment
Early Childhood Special Education, Birth–Grade 3	[10020/10690]	[Early Childhood Education] Special Education: Preschool
Early Childhood <i>[Special]</i> Education, Birth–Grade 3	10020	Early Childhood Education
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English–Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social <i>[Studies]</i> Science	20089	MS Social Studies: Content Knowledge
Other Middle School <i>[Endorsements]</i> Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science (Vocational and Non-Vocational)	10120	Home Economics Education
Foreign Language:		
French K–12	[10170/20173]	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music (Instrumental, Vocal) K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20231	Biology: Content Knowledge, Part I
Chemistry	20241	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10261	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
<i>[Spanish K–12]</i>	<i>10191</i>	<i>Spanish: Content Knowledge</i>
Special Education K–12 ¹	10350	Special Education
<i>[Initial certification in all areas of special education; Additional certification by test only in area of Mild/Moderate Disability: Cross-Categorical]</i>		
Mild-Moderate Disabilities, Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/Theater	10220	Speech Communication
Speech and Language Specialist K–12: ³	20330	Speech–Language Pathology
Unified Science: ²	—	—
Biology	20231	Biology: Content Knowledge, Part I
Chemistry	20241	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10261	Physics: Content Knowledge
K–12 or 9–12 teaching certification for which no specialty area <i>[test]</i> assessment or content knowledge <i>[test]</i> assessment is designated.	30524	Principles of Learning and Teaching, Grades 7–12
School Counselor K–8, 7–12³	20420	School Guidance and Counseling
Building-Level Administrator ³	11010	School Leaders Licensure Assessment (SLLA)
Principal K–8, 9–12		
Special Education Administrator K–12		
Vocational School Director		
District-Level Administrator (Superintendent) K–12 ³	11020	School Superintendent Assessment (SSA)

1. Additional certification by completion of the designated assessment only is limited to Mild-Moderate Disabilities: Cross-Categorical.
2. Not available by completion of the designated assessment only; also requires completion of a program of study for the unified science core with the area of specialization from a state-approved institution.
3. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, [RSMo Supp. 1999] 168.081, 168.400, 168.405 and 168.409, RSMo [1994] 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. ATTN: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.020 Finance Charges. This rule interpreted the sales tax law as it applied to finance charges and interpreted and applied sections 144.010 and 144.020, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-8 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.022 Cash and Trade Discounts. This rule interpreted the sales tax law as it applied to cash and trade discounts, and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-8A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.023 Rebates. This rule clarified the sales tax obligation as it applied to the purchase of motor vehicles with rebates.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Jan. 10, 1986, effective April 25, 1986. Emergency amendment filed Aug. 18, 1994, effective Aug. 21, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.024 Returned Goods. This rule interpreted the sales tax law as it applied to returned goods and interpreted and applied sections 144.010 and 144.025, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-9 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO

Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.060 Memorial Stones. This rule interpreted the sales tax law as it applied to sellers of memorial stones and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 83 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-26 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.066 Delivery, Freight and Transportation Charges—Sales Tax. This rule interpreted the sales tax law as it applied to delivery, freight and transportation charges and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-29 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded and readopted: Filed Oct. 1, 1993, effective May 9, 1994. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.076 Used Car Dealers. This rule interpreted the sales tax law as it applied to used car dealers and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-33A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.086 Bookbinders, Papercutters, Etc. This rule interpreted the sales tax law as it applied to bookbinders, papercutters and other such persons, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 73 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-37A was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.092 Painters. This rule interpreted the sales tax law as it applied to painters and interprets and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 53 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-39 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.094 Interior or Exterior Decorators. This rule interpreted the sales tax law as it applied to interior and exterior decorators, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 53 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-40 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.096 Janitorial Services. This rule interpreted the sales tax law as it applied to janitorial services and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-41 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.100 Barber and Beauty Shops. This rule interpreted the sales tax law as it applied to barber and beauty shops, and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 75 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-43 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION

12 CSR 10-3.122 Consideration Other Than Money, Except for Trade-Ins. This rule interpreted the sales tax law as it applied to consideration other than money, except for trade-ins, and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 16 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-54 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.128 Salvage Companies. This rule interpreted the sales tax law as it applied to salvage companies and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-57 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.136 Consideration Other Than Money. This rule interpreted the sales tax law as it applied to consideration other than money and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 16 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-61 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.138 Consideration Less Than Fair Market Value. This rule interpreted the sales tax law as it applied to consideration less than fair market value and interpreted and applied section 144.300, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-62 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.160 Funeral Receipts. This rule interpreted the sales tax law as it applied to funeral receipts and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 82 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-75 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.164 Installment Sales and Repossessions. This rule interpreted the sales tax law as it applied to installment sales and repossessions, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 37 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-77 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed March 12, 1986, effective Aug. 25, 1986. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.174 Stolen or Destroyed Property. This rule interpreted the sales tax law as it applied to stolen or destroyed property and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-81A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.200 Wrapping Materials. This rule interpreted the sales tax law as it applied to wrapping materials and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-3 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Oct. 15, 1985, effective Jan. 26, 1986. Amended: Filed July 14, 1986, effective Nov. 28, 1986. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.202 Pallets. This rule interpreted the sales tax law as it applied to pallets and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 4. S.T. regulation 011-4 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.206 Bottle Caps and Crowns. This rule interpreted the sales tax law as it applied to sales of crowns and caps, and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-6 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.208 Crates and Cartons. This rule interpreted the sales tax law as it applied to the sale of crates and cartons, and interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-7 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.244 Trade-Ins. This rule interpreted the sales tax law as it applied to trade-in property on which tax previously has been paid and interpreted and applied section 144.025, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: sections 144.025 and 144.270, RSMo 1994. This rule was previously filed as rule no. 36 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 025-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Feb. 3, 1984, effective May 11, 1984. Amended: Filed Nov. 28, 1994, effective May 28, 1995. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.452 Mailing of Returns. This rule provided instructions as to the mailing of sales tax returns and interpreted and applied sections 144.021 and 144.100, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-2 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.454 No Return, No Excuse—Return Required Even if No Sales Made. This rule outlined the responsibility of the taxpayer for filing sales/use tax returns and interpreted and applied sections 144.080 and 144.100, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-2A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.456 Calendar Quarter Defined. This rule defined calendar quarter for purposes of the sales tax law.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-3 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.460 Return Required. This rule interpreted the sales tax law as it applied to sales tax return filing requirements.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-5 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Emergency amendment filed Dec. 15, 1999, effective Jan. 1, 2000, expired June 28, 2000. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.462 Annual Filing. This rule interpreted the sales tax law as it applied to the annual filing of sales tax returns.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-6 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.464 Tax Includes. This rule interpreted the sales tax law as it applied to sales tax deemed to be included in gross receipts.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-7 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled

March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.494 Allowance for Defective Merchandise. This rule interpreted the sales tax law as it applied to an allowance for defective merchandise.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 130-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.890 Area Betterment, Tourism or Marketing Program Fees To Be Included As Taxable Gross Receipts. This rule interpreted and applied section 144.010.1(3), RSMo as it applied to fees or charges for area betterment, tourism or marketing programs.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Oct. 30, 1992, effective June 7, 1993. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax**

PROPOSED RESCISSION

12 CSR 10-4.270 Allowance for Defective Merchandise. This rule indicated to what extent an allowance for defective merchandise will affect state use taxes and interpreted and applied section 144.610, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-4 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

PROPOSED RESCISSION

12 CSR 10-5.005 Date of Delivery Determines Applicability. This rule indicated the delivery date was controlling in determining applicability of city sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 510-1 originally filed Oct. 8, 1975, effective Nov. 7, 1975. Refiled Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.025 Location of Machine Determines. This rule provided that the location of vending machines determined the applicability of city sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 520-1A originally filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.505 Date of Delivery Determines Applicability. This rule indicated that date of delivery was the determining factor in the applicability of the transportation sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.615, RSMo 1986. T.T. regulation 605-1 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 5—City Sales Tax, Transportation Sales Tax and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.515 Layaways. This rule indicated the date of delivery of layaways is controlling in determining applicability of transportation sales tax and interpreted and applied section 94.615, RSMo 1986.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.615, RSMo 1986. T.T. regulation 605-2 filed as C.S.T. regulation 510-1A Dec. 31, 1975, effective Jan. 10, 1976. Made applicable by statute and T.T. regulation 615-1 last filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed March 28, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—Division of Medical Services

Chapter 4—Conditions of Recipient Participation, Rights and Responsibilities

PROPOSED AMENDMENT

13 CSR 70-4.090 Uninsured Parents' Health Insurance Program. The division is amending subsection (6)(Q).

PURPOSE: This proposed amendment to subsection (6)(Q) will eliminate the 30 inpatient/20 outpatient visit restriction for mental health and substance abuse services.

(6) The following services are covered for beneficiaries of the Uninsured Parents' Health Insurance Program if they are medically necessary:

(Q) Mental health and substance abuse services; /, subject to limitation of thirty (30) inpatient days and twenty (20) outpatient visits. One (1) inpatient day may be traded for two (2) outpatient visits;]

AUTHORITY: sections 208.040, [and] 208.201, RSMo 1994] and 660.017, RSMo [Supp. 1998] 2000. Emergency rule filed Sept. 13, 1999, effective Sept. 23, 1999, terminated Oct. 15,

*1999. Original rule filed Aug. 16, 1999, effective March 30, 2000.
Amended: Filed March 29, 2001.*

PUBLIC COST: This proposed amendment will cost the state agency approximately \$539,356 in the aggregate. A detailed fiscal note, which estimates the cost of the amendment, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social ServicesDivision: 70 - Division of Medical ServicesChapter: 4 - Conditions of Recipient Participation, Rights and ResponsibilitiesType of Rulemaking: Proposed AmendmentRule Number and Name: 13 CSR 70-4.090 (6) (Q) Uninsured Parents' Health Insurance Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Annual Estimated Cost of Compliance in the Aggregate for the life of the amendment
DSS/DMS	\$519,111 adjusted annually for inflation
	SFY 2001 \$539,356
	SFY 2002 \$560,391

III. WORKSHEET

The Division of Medical Services administers a managed care program, known as MC+, which contracts with health maintenance organizations (HMOs) for the purpose of providing health care services through capitated rates. A small population of adults covered under the 1115 waiver and served by the MC+ plans will be subject to the provisions of HB 191, Mental Health and Chemical Dependency Insurance Act.

Mental health and substance abuse services for these 1115 waiver adults are subject to a limitation of 30 inpatient days and 20 outpatient visits. One inpatient day may be traded for two outpatient visits. The legislation (HB 191) states that mental illness benefits provided be subject to the same annual maximums as apply to physical illness benefits. DMS estimates a one (1) percent increase in capitation payments to drop the limitations on mental health and substance abuse services as follows:

Estimated 1115 Waiver Adult Population in MC+ plans =	38,439
Average Capitated Payment (Per Member per Month)	<u>x \$112.54</u>
	\$51,911,101

1% increase = \$519,111

FY01 impact -- \$539,356 (adjusted for medical care inflation of 3.9%)

FY02 impact -- \$560,391 (adjusted for medical care inflation of 3.9%)

Note: This information is taken from Fiscal Note, 178-07 for HB 191 (1999). These funds have already been appropriated in HIB 1111 for State Fiscal Year 2001. Some of the 1115 waiver population receive services via fee-for-service providers but there are no additional costs estimated for this population because a Medicaid claims search (ADHOC report) to identify how many individuals had possibly met the 30/20 limitation yielded no results.

IV. ASSUMPTIONS

The above worksheet outlines the agency's assumptions, references and methods of acquiring information that lead to the conclusion of the approximate cost of this proposed amendment.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending section (15).

PURPOSE: The proposed amendment to section (15) provides for using either a third or fourth base year cost report that is the most representative of costs for first tier hospitals.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, *based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred*. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs *[shall be based on]* may be the third or fourth prior year cost report. **The Division of Medical Services shall exercise its sole discretion as to which report is most representative of costs.** For all other hospitals, the base year operating costs are based on the fourth prior year cost report. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report.

C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

AUTHORITY: sections 208.152, 208.153, 208.201 and 208.471, RSMo [1994] 2000. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. Amended: Filed April 9, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED RULE

13 CSR 70-15.150 Enhancement Pools

PURPOSE: This rule creates enhancement pools to increase reimbursement to government-owned hospitals and all hospitals, in an amount not to exceed the Medicare upper limit payment for the Medicaid program.

(1) Medicaid Enhancement Pools. Each participating government owned or operated hospital may be paid a one-time per year payment from an enhancement pool that shall be calculated at a percentage to be specified by the department of the aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals for services covered by the Missouri Medicaid program.

(A) The aggregate difference between the Medicare Upper Limit and the per-diem reimbursement for all Medicaid hospitals will be calculated as follows. The per-diem Medicaid rates used in the calculation will be those being paid at the time of the calculation. The Medicare upper limit calculation will be based on the uniform cost report for the third previous rate year, trended forward (for example, calculation for state fiscal year 2001 would be based on hospital cost reports ending during calendar year 1998, trended forward). The difference for each facility will then be multiplied by the Medicaid days at that particular hospital. The product of all calculations shall then be added together with the resulting sum comprising the aggregate difference between the Medicare upper limit and the per-diem Medicaid reimbursement for all facilities.

(B) The enhancement payment shall be distributed to participating governmental hospitals based on their pro-rata share of Medicaid patient days.

(C) A participating government owned or operated hospital is one that has entered into an intergovernmental funds transfer agreement with the department.

(2) All Medicaid enrolled hospitals may participate in distributions from a second pool that shall be calculated at a percentage to be specified by the department of the aggregate difference between the Medicare Upper Limit and per-diem reimbursement for all

Medicaid enrolled hospitals for services covered by the Missouri Medicaid program, as defined above. The second pool shall be distributed annually as a one-time payment, made in addition to per-diem payments, to all Medicaid enrolled hospitals based on their pro-rata share of Medicaid days.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. Emergency rule filed April 9, 2001, effective April 19, 2001, expires Oct. 15, 2001. Original rule filed April 9, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies \$17,463,062 in SFY 2001 and \$20,955,674 in SFY 2002 in the aggregate.

PRIVATE COST: This proposed rule is not estimated cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Division of Medical Services, Director of Medicaid, PO Box 6500, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST**I. RULE NUMBER**

Title: 13 Department of Social Services

Division: 70 Division of Medical Services

Chapter: 15 Hospital Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 70-15.010 - Enhancement Pool

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, Division of Medical Services	\$17,463,062 (Fiscal Year 2001)
Department of Social Services, Division of Medical Services	\$20,955,674 (Fiscal Year 2002)

III. WORKSHEET**IV. ASSUMPTIONS**

This program of intergovernmental transfers will only be available for the next two fiscal years. The State is taking advantage of the \$20,955,674 difference between the maximum allowable federal participation in the hospital program and what the State of Missouri is paying.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry**

PROPOSED RULE

19 CSR 30-80.010 Definitions

PURPOSE: This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-80.010 through 19 CSR 30-80.040.

(1) "Access line," toll-free telephone service established and maintained by the department in accordance with section 210.918, RSMo for the purpose of promoting family and community safety by allowing access to certain information recorded in the Family Care Safety Registry, as provided in section 210.921, RSMo.

(2) "Agency of record," the state agency that has program control over maintaining or updating one or more of the sources of background information listed in section 210.909, subsection 1, subdivisions (1) through (5), RSMo.

(3) "Department," the Missouri Department of Health.

(4) "Family Care Safety Registry workers," a current listing of child-care and elder-care workers who have completed application for registration with the department pursuant to section 210.906, subsections 1 through 2, RSMo, or persons who have voluntarily completed application for registration pursuant to section 210.906, subsection 4, RSMo, including limited available information on workers' background pursuant to section 210.909, subsection 1, subdivisions (1) through (5), RSMo.

(5) "Family Care Safety Registry providers," a current listing of child-care and elder-care providers, pursuant to section 210.909, subsections (2) and (5), RSMo, who have been refused licensure or have experienced licensure suspension or revocation pursuant to sections 210.481 through 210.536, RSMo, sections 210.201 to 210.259, RSMo, or Chapter 198, RSMo.

(6) "Patrol," the Missouri State Highway Patrol.

(7) "Registrant," any person hired on or after January 1, 2001, as a child-care or elder-care worker, or any person not required to register pursuant to the provisions of sections 210.900 to 210.936, RSMo, who voluntarily applies to the department for registration and who meets the requirements of sections 210.906 and 210.909, RSMo, including submitting to the background checks of subsection 1 of section 210.909, RSMo.

(8) "Registry," the Family Care Safety Registry.

AUTHORITY: sections 210.915 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be con-

sidered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry**

PROPOSED RULE

19 CSR 30-80.020 General

PURPOSE: This rule provides sources to contact to obtain registration forms and outlines specific responsibilities that apply to all registrants in the Family Care Safety Registry.

(1) Registration forms used for the purpose of registering in the Family Care Safety Registry may be obtained by contacting one of the following sources:

- (A) The Family Care Safety Registry toll-free access line;
- (B) The local Department of Health office;
- (C) The local Division of Aging office;
- (D) The local Division of Family Services office; or by
- (E) Accessing the Department of Health website (www.health.state.mo.us).

(2) Completed applications for registration in the Family Care Safety Registry shall be mailed to the Missouri Department of Health, Fee Receipts Unit, PO Box 570, Jefferson City, MO 65102.

(3) Change of Name. Registrants in the Family Care Safety Registry shall notify the Department of Health in writing of a change of name no later than thirty (30) days following the change. Until a change of name is received, actions required pursuant to sections 210.900 to 210.936, RSMo, may continue under the name indicated on the most recent application form.

(4) Change of Address. Registrants in the Family Care Safety Registry shall notify the Department of Health in writing of a change of mailing address no later than thirty (30) days following the change. Until a change of address is received, all correspondence will be mailed to the individual's mailing address indicated on the most recent application form.

AUTHORITY: sections 210.906 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry

PROPOSED RULE

19 CSR 30-80.030 Child-Care and Elder-Care Worker Registration

PURPOSE: This rule establishes procedures for submitting completed applications for registration in the Family Care Safety Registry.

(1) Application for Registration.

(A) The application for registration in the Family Care Safety Registry shall include the following:

1. A completed Child-Care and Elder-Care Worker Registration Form, provided by the department, shall be typewritten or printed in ink. The application shall include the following:

- A. Applicant's valid Social Security number;
- B. Information on applicant's right to appeal the information contained in the registry pursuant to section 210.912, RSMo;
- C. Signed consent of the applicant for the background checks pursuant to section 210.906, RSMo;
- D. Signed consent of the applicant for the release of information contained in the background check for employment purposes only;
- E. Worker category;
- F. Applicant's last name, first name, middle name;
- G. Prior names used by applicant;
- H. Applicant's home address;
- I. Applicant's current mailing address, if different than home address;
- J. Applicant's county of residence;
- K. Applicant's date of birth;
- L. Applicant's gender;
- M. Name, address and county of applicant's current employer (if applicable); and

N. Signature of the applicant and date of signature, in ink, which certifies that all information in the registration form is complete and true to the best of the applicant's knowledge;

2. A photocopy of applicant's Social Security card; and

3. A check or money order for the nonrefundable fee of five dollars (\$5) made payable to the Missouri Department of Health.

(B) If the department receives an incomplete application, it will request the required information from the applicant before the application is processed. If the department does not receive the required information within sixty (60) days from the date of the certified mailing of the request, the application shall be void and another application shall be filed. If a subsequent application is filed, it shall be filed pursuant to 19 CSR 30-80.030(1)(A)–(B).

(C) Applications for registration may be submitted to the Family Care Safety Registry by the individual applicant or their employer or prospective employer. An employer or prospective employer may submit completed registration forms using a batch processing form, provided by the department, that will also serve as a request for background screening information.

(D) A batch processing form, provided by the department, shall include the employer's or prospective employer's name and address, a listing of applicants for whom applications for registration are attached, and the employer's or prospective employer's signature that certifies the requested information is for employment purposes only and will not be used for any other purpose. Once the application process has been completed and background checks conducted the Family Care Safety Registry will notify the worker and the employer or prospective employer, whose name

and signature appears on the batch processing form, of the results of the determination recorded on the registry.

AUTHORITY: sections 210.906 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000, effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost child-care workers \$46,475 and elder-care workers \$255,075 annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 - DEPARTMENT OF HEALTH

Division: 30 - Division of Health Standards and Licensure

Chapter: 80 - Family Care Safety Registry

Type of Rule Making: New Rule

Rule Number and Name: 19 CSR 30-80.030, Child-Care and Elder-Care Worker Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
9,295	Child-Care Applicants	\$ 46,475 annually
51,015	Elder-Care Applicants	\$ 255,075 annually

III. WORKSHEET

The estimates in the aggregate were calculated as follows:

<u>Child-Care Applicants</u>	<u>Annually</u>
New hires	9,295
\$5.00 registration fee	x \$ 5.00
Total Estimated Annual Cost	\$ 46,475

<u>Elder-Care Applicants</u>	<u>Annually</u>
New hires	51,015
\$5.00 registration fee	x \$ 5.00
Total Estimated Annual Cost	\$ 255,075

IV. ASSUMPTIONS

Any person hired on or after January 1, 2001, as a child-care or elder-care worker, as defined in section 210.900, RSMo, is required to apply for registration in the Family Care Safety Registry within 15 days of beginning employment. Persons employed before this date are not required to register unless they leave their current position and become re-employed as a child-care worker or elder-care worker after January 1, 2001.

Each applicant for registration in the Family Care Safety Registry will be charged a \$5.00 registration fee to cover the costs of a criminal background check. The Department of Health anticipates that the employer will incur the cost for some applicants, however, this number is unknown.

Child-care and elder-care workers applying for registration in the Family Care Safety Registry will only be required to register one time. The registry will have the capability to automatically update registrant background screenings, making it unnecessary for child-care and elder-care workers to renew registration.

It is estimated annually 9,295 persons will be newly hired as child-care workers, and 51,025 persons will be newly hired as elder-care workers

It is anticipated the total aggregated cost per year will recur each year for the life of the rule. The duration of this rule cannot be estimated.

The estimated number of child-care and elder-care workers to be hired annually was calculated as follows:

Child-Care Workers

There are currently 1,569 licensed child day care centers in Missouri. The 1,569 child day care centers have an average of eleven employees per facility ($1,569 \times 11 = 17,259$ employees). Based on turnover rates of 30% the Department of Health estimates that 5,178 persons will be hired annually.

There currently are 2,349 licensed family child-care homes in Missouri. Family child-care homes have an average of 1.5 persons per facility ($2,349 \times 1.5 = 3,523$ persons). Based on turnover rates of 30%, the Department of Health estimates that 1,057 persons will be hired annually.

There are currently 438 license-exempt child care centers with an average of eleven employees per center ($438 \times 11 = 4,818$ employees). Based on turnover rates of 30%, the Department of Health estimates 1,445 persons will be hired annually.

There are approximately 3,965 licensed foster homes in Missouri. Based on turnover rates of 3.5%, the Department of Health estimates 140 persons will become foster parents annually.

There are approximately 2,750 child-care workers in residential care facilities that are licensed by the Division of Family Services (DFS). Based on turnover rates of 10%, the Department of Health estimates that 275 persons will become child-care workers annually.

There are approximately 21,720 registered child-care providers that are reimbursed by Division of Family Services to provide child care services. The Division of Family Services estimates that 1,200 persons will become registered child-care providers annually.

In summary, the Department of Health estimates that the following number of child-care workers will be hired annually:

<u>Child-care workers</u>	
Licensed child-care center	5,178
Licensed family child-care home	1,057
License-exempt child-care center	1,445
Foster care parents	140
Residential child-care	275
Providers registered with Family Services	1,200
Est. child-care new hires per year	9,295

Elder-Care Workers

There are approximately 138,400 elder care workers in the state. This includes individuals involved in direct care and administrative activities. This also includes nursing assistants employed by hospice organizations. There are approximately 5,000 home health aides for a total of 143,400 ($138,400 + 5,000 = 143,400$). Based on turnover rates of 35%, the Department of Health estimates that 50,190 persons will be hired annually.

There are approximately 2,664 persons working in hospitals for which subdivision (3) of subsection 1 of section 198.012, RSMo applies. Based on turnover rates of 31%, the Department of Health estimates that 825 persons will be hired annually.

In summary, the Department of Health estimates that the following number of elder-care workers will be hired annually:

<u>Elder-care workers</u>	
Elder-care workers (Division of Aging)	50,190
Hospital workers (§ 198.012, RSMo)	825
	<hr/>
Est. elder-care new hires per year	51,015

All costs are based on approximations and estimations by the department.

If there was more than one method to calculate a cost, the most expensive method was used.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 80—Family Care Safety Registry

Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

19 CSR 30-80.040 Updates and Appeals of Registry Information

PURPOSE: This rule establishes guidelines pertaining to the updating of information contained in the registry and sets forth the process for the appeal required in section 210.912, RSMo.

(1) Process for Appeal Required in Section 210.912, RSMo.

(A) After receipt of the department's written determination of the results of a background check, conducted and entered in the Family Care Safety Registry pursuant to section 210.909, subsections 1 and 2, RSMo, registrants may appeal to the department under section 210.912, RSMo. Such appeals shall be limited only to the accuracy in the transfer of information from the agency of record to the registry and shall not include a right to appeal the accuracy of the substance of the information transferred.

1. Any such appeal shall be filed in writing by the registrant to the Director, Missouri Department of Health, to the attention of the Family Care Safety Registry, within thirty (30) days of the registrant's receipt of the results of the Family Care Safety Registry's background check.

2. The written appeal shall include the registrant's full name, Social Security number, date of birth, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m. The registrant's written appeal shall also include a specific statement describing the information the registrant believes to have been incorrectly transferred from the agency of record to the registry.

(B) Within thirty (30) days of the filing of the appeal, an informal administrative review of the appeal will be set. The review shall be conducted by the director or by a duly authorized representative of the director.

(C) The department shall maintain a copy of its decision as long as the registrant is listed in the Family Care Safety Registry, or until such information is subsequently amended pursuant to sections 210.906 and 210.909, RSMo.

(2) Updates of the Registry.

(A) Records in the Family Care Safety Registry shall be updated when a request pursuant to section 210.921, RSMo, is made for release of registry information and, as the department deems necessary.

(B) Pursuant to section 210.912, RSMo, registrants shall be advised of updated information contained in the registry. Registrants shall also be advised of the right to appeal the accuracy in the transfer of updated information from the agency of record to the registry.

AUTHORITY: sections 210.912, 210.915 and 210.924, RSMo 2000. Emergency rule filed Sept. 19, 2000 effective Jan. 1, 2001, expires June 29, 2001. Original rule filed March 30, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health, Division of Health Standards and

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under sections 370.075 and 370.100, RSMo 2000, the director amends a rule as follows:

4 CSR 100-2.185 Investments in Fixed Assets is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 174). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the specified comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions Chapter 2—State-Chartered Credit Union

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

4 CSR 100-2.220 External Deposits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 174). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the specified comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 200—State Board of Nursing Chapter 4—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 335.036 and 335.046, RSMo 2000, the board amends a rule as follows:

4 CSR 200-4.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 175-180). Changes have been made in the text of the proposed amendment due to a ruling from the Joint Committee on Administrative Rules, and the section with changes has been reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Board mailed 77,181 RN renewal notices with a special notice about the fee increase. Of those 77,181, the Board received 113 letters, 42 E-mails and 104 telephone calls in opposition to the proposed amendment. The Board of Nursing received 3 letters, 1 E-mail and 15 phone calls in support of the proposed amendment.

COMMENTS REGARDING NEWSLETTER:

COMMENTS: Four comments were received indicating that the board should stop publishing the newsletter that is sent to each licensed nurse in order to decrease the board's expenses.

RESPONSE: The Board of Nursing contracted with a publishing company to publish and distribute the newsletter. The Board of Nursing is not charged a fee for publication. The publication company sells advertisements in the board's newsletter that offsets their publication and distribution costs.

COMMENTS REGARDING NO EARLY NOTICE, SUDDEN INCREASE AND DRAMATIC INCREASE:

COMMENTS: The Board of Nursing received 7 comments that the board should have provided an earlier notice that the fee would increase and 147 comments regarding the sudden and dramatic increase in the renewal fees. There were 4 comments received that the fee should have been gradually raised.

RESPONSE: The board did not know how much the fee would increase until it received projections and final approval from the Department of Economic Development. In the November 2000 to

January 2001 newsletter, the board president published an article, which indicated that the renewal fee would increase, but at that time the board did not know how much the fee would increase. The board obtained cost projections from the Division of Professional Registration and Department of Economic Development for the next six years to use when determining how much the renewal fee would have to increase to cover operating expenses. Once the accurate cost projections were received in late October 2000, the board calculated revenue projections for the next six years in order to determine the renewal fee. The renewal fee was increased January 1, 2001 and renewal notices were mailed January 9, 2001. Although the renewal notices were not scheduled to be mailed until the first week in February, the board voted to mail the notices one month earlier in order to provide advance notice to the nurses of the fee increase. A separate notice was not sent because it would have cost approximately \$34,000 for postage in addition to the cost of printing the document for approximately 77,181 licensees.

COMMENTS REGARDING COSTS OF COMPUTERS AND EQUIPMENT:

COMMENTS: The Board of Nursing received 11 comments indicating that the board should not have purchased new equipment and a new licensing system.

RESPONSE: The licensing system used by the Division of Professional Registration was not Y2K-compliant. The cost to purchase a new licensing system and the equipment needed to change to a new system was less than what it would have cost to convert the old system into a Y2K-compliant version.

COMMENTS REGARDING INVESTIGATIVE COSTS:

COMMENTS: The Board of Nursing received 10 comments that all nurses should not have to pay for the cost of investigations.

RESPONSE: In order to protect the public, the board is required to investigate complaints that are received against licensees. Because the board does not have statutory authority to impose fines to recoup costs from investigations, the costs for investigations are paid for out of the nursing fund, which is comprised of the fees collected from licensees.

COMMENTS REGARDING STUDENT LOAN:

COMMENTS: The Board of Nursing received 10 comments that nurses should not have to pay for a scholarship fund to send other future nurses to school.

RESPONSE: Pursuant to Section 315.211, RSMo, the board is mandated to collect \$10 from each RN renewal fee and \$2 from each LPN renewal fee for the nursing student loan fund, administered by the Missouri Department of Health. The board suggests that individuals contact the Department of Health at 573-751-6219 or 800-891-7415 for more information about the nursing student loan program.

COMMENTS REGARDING NURSING SHORTAGE, WORKING CONDITIONS, AND LOW NURSING SALARIES:

COMMENTS: The Board of Nursing received 16 comments regarding low nursing salaries, 17 comments regarding the current nursing shortage, 16 comments regarding poor working conditions for nurses, 21 comments regarding the current cost of living and 3 comments regarding membership fees.

RESPONSE: Although the board is concerned with the nursing shortage, the board is only authorized to regulate members of the profession through establishing and enforcing licensure and practice requirements. However, one of the ways the board is trying to be proactive is through its membership in the National Council of State Boards of Nursing. The National Council of State Boards of Nursing (NCSBN) and the board understands that the need for public protection through regulation has never been greater, due in large part to the nursing shortage. Failure to maintain standards of practice could lead to an increase in errors, increased risk for

patient harm, and a lack of public confidence. During shortages of health care professionals, one potential and predictable policy direction is to *deregulate*, thereby reducing practice standards. As the primary mission of the NCSBN member boards of nursing is protection of the public's health and safety, any such trend of deregulation is assumed to increase the risk of harm to patients. Therefore, the nursing regulatory community is actively working to assure an adequate supply of competent licensed nurses through a number of initiatives. Boards of Nursing:

- Participate strategically at state and national initiatives created to address nursing supply and demand issues.
- Influence national, state and local efforts to improve patient safety in health care.
- Continue timely, humane and effective intervention when state nurse practice acts are violated.
- Support regulatory authority over nursing scope of practice.
- Maximally utilize current categories of nursing and unlicensed assistive personnel without lowering standards and in accordance with regulations.
- Track workplace-related complaints and issues brought to the attention of boards of nursing.
- Collect, analyze, and disseminate comprehensive data describing present and future nursing education and practice environments as related to public protection.
- Uphold standards for entry into the profession, including requirements for U.S. licensure for graduates of foreign nursing schools.

COMMENT REGARDING FEES REQUIRED FOR CONTINUING EDUCATION:

COMMENT: The Board of Nursing received 1 comment regarding the cost to obtain continuing education units.

RESPONSE: The Board of Nursing does not require continuing education units as a condition of initial licensure or license renewal.

COMMENTS REGARDING POLITICAL ADVERTISEMENT:

COMMENTS: The Board of Nursing received 3 comments expressing concern that the Board of Nursing used funds to run a political advertisement.

RESPONSE: The Board of Nursing did not run a political advertisement. The advertisement was run by the Missouri Nurses Association. Board of Nursing funds are not used for political purposes.

COMMENTS REGARDING POSSIBILITY OF FEE DECREASING LATER:

COMMENTS: The Board of Nursing received 6 comments requesting that the fees go down when the fund balance is in better shape.

RESPONSE: Section 335.036.2., RSMo, states, "The board shall set the amount of the fees which sections 335.011 to 335.096 authorizes and requires by rules promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering section 335.011 to 335.096." The renewal fee was increased to cover operating costs. The board is committed to only charging those fees necessary to ensure it is able to administer section 335.011 to 335.096, RSMo. In addition, the board is prohibited from maintaining a fund balance in excess of three times its appropriation. If appropriate to decrease fees, the board will follow through to make sure that is done. In fact, the board decreased fees in 1985.

COMMENT REGARDING FEES CHARGED BY OTHER BOARDS:

COMMENT: One comment was received requesting the renewal fees charged by some of the other professions in the Division of Professional Registration.

RESPONSE: Pharmacist—2 year renewal \$160; Pharmacist Ds—annual \$200; Veterinarian—annual \$100; Dentist—annual \$100; Podiatrist—2 year renewal \$280; Licensed Social Worker—2 year renewal \$100; Psychologist Masters—annual \$150; and Psychologist PhD—annual \$150.

COMMENTS REGARDING EDUCATIONAL PROGRAMS:

COMMENTS: Five comments were received requesting information on educational programs provided by the Board of Nursing.

RESPONSE: The Board of Nursing regulates nursing programs that lead to an initial nursing license. The board does not regulate continuing education courses.

COMMENTS REGARDING PRO-RATING FEES:

COMMENT: Three comments were received requesting that the board provide an option for nurses to renew either on a one-year or two-year basis.

RESPONSE: Pursuant to Section 335.056, RSMo and rule, 4 CSR 200-4.010(1)(J)3., the board can only provide for biennial license renewal.

COMMENT REGARDING RECRUITMENT FROM THE PHILIPPINES:

COMMENT: One comment was received indicating that the Board of Nursing should not allow employers to recruit nurses from the Philippines.

RESPONSE: The Board of Nursing does not have statutory authority to prohibit employers from recruiting nurses from other countries. However, each nurse must meet the same licensure requirements.

COMMENT REGARDING NUMBER OF BOARD MEMBERS:

COMMENT: One comment was received suggesting that the number of members on the Board of Nursing be decreased.

RESPONSE: The number of members on the Board of Nursing is mandated by Section 335.021, RSMo.

COMMENTS REGARDING INCREASE IN OTHER FEES:

COMMENTS: Two comments were received regarding increasing fees for other services. One suggestion was to charge a fee to allow a person to place a license on inactive status. The other suggestion was to increase the fee to apply for an initial license in Missouri.

RESPONSE: The Missouri State Board of Nursing does not currently have the authority to charge a fee to place a license on inactive status. However, the proposed fee amendment does increase other fees accessed by the board including the cost to apply for a license by exam and endorsement.

COMMENTS REGARDING HOW MUCH THE BOARD OF NURSING CHARGES IN RELATION TO OTHER STATE BOARDS OF NURSING:

COMMENTS: Three comments were received requesting information on how the Missouri State Board of Nursing's renewal fee varies from other state boards of nursing.

RESPONSE:

- Arkansas, \$40 (2-year renewal)
- Illinois, \$40 (2-year renewal)
- Nebraska, \$40 plus \$2 licensee assistance program (2-year renewal)
- Kansas, \$50 (2-year renewal)
- Tennessee, \$50 (2-year renewal)
- Oklahoma, \$60 (2-year renewal)
- California, \$80 (2-year renewal)
- Iowa, \$81 (3-year renewal)
- Colorado, \$83 (2-year renewal)

- Missouri, \$90 plus \$10 student loan fee (2-year renewal)
- Kentucky, \$95 plus \$5 for scholarship and \$5 for diversion program (2-year renewal)
- Nevada, \$100 (2-year renewal)
- Alaska, \$105 (2-year renewal)
- Hawaii, \$120 (2-year renewal)

COMMENTS RECEIVED REGARDING BOARD SERVICES:

COMMENTS: Three comments were received asking for clarification on what services the Board of Nursing provides.

RESPONSE: The State Board of Nursing assures that standards of practice are met and that persons engaged in the practice of nursing are competent. The board approves individuals for licensure, approves educational programs for nurses, investigates complaints concerning licensees' compliance with the law, and determines and administers disciplinary actions in the event of proven violations of the Nurse Practice Act.

COMMENT REGARDING PEER ASSISTANCE PROGRAM:

COMMENT: One comment was received that the Board of Nursing should increase services and provide a peer assistance program for nurses.

RESPONSE: The board does not have statutory authority to provide a peer assistance program. The board has pursued legislation for a peer review program in the past but has been unsuccessful.

COMMENTS FROM THE MISSOURI NURSES ASSOCIATION:

COMMENT: One letter commenting on the rule was received from the Missouri Nurses Association (MONA). MONA believes the fee increases are excessive and unnecessary and places the financial burden of past mistakes of the Board, the Division of Professional Registration and the Department of Economic Development upon the shoulders of licensees.

COMMENT: MONA commented on the fact that the Board of Nursing had filed two fee rule increases; one for an increase that was effective November 30, 2000 and another that was effective January 1, 2001.

RESPONSE: The board did, in fact, file a fee rule that was effective November 30, 2000 that increased the RN renewal fee to \$60 and the LPN renewal fee to \$52. After filing that rule, it was determined that the estimated transfers from the Division of Professional Registration and the board's current fund balance were not accurate. The board did not enforce the November 30, 2000 rule and worked with the Division of Professional Registration to obtain more accurate transfer projections. As a result, no licensee was assessed the renewal fees that were effective November 30, 2000.

COMMENT: MONA commented that the "Purpose" section of the proposed rule states: "The fee to renew a RN or LPN license has not been increased since 1993." This is not correct, as those fees were increased one month earlier on November 30, 2000. While a seven year period with no increase may justify a fee adjustment, thirty days does not.

RESPONSE: As indicated in the preceding response, the board did not enforce the November 30, 2000 rule due to the fact that the projections for which the fee rule increase was based on was not accurate. Therefore, no licensee was charged the \$60 renewal fee (\$10 for the student loan fund). The difference in the initial projections, which were inaccurate and the updated corrected projections are as follows.

	Expenditure Projections Underlying the November Fee Increase	Corrected Expenditure Projections
FY 2001	\$1,526,791	\$3,001,824.11
FY 2002	\$1,798,139	\$3,078,861.18
FY 2003	\$2,070,127	\$3,071,861.18

COMMENT: MONA commented that the "Purpose" statement for the rate increase effective November 30, 2000 said that the rate increase in that rule was to "maintain a safe fund balance." If the November 30, 2000 rate increase maintained a safe fund balance, what is the need for a second and even larger increase one month later? According to projections, this fee increase should result in a fund balance at the end of the fiscal year of \$3,549,776. Such a large fund balance is not necessary and is not appropriate.

RESPONSE: As indicated in the previous response, the projections for the November 30, 2000 fee rule increase were not correct because the estimated expenses were not correct. For that rule, total expenditures for FY 2001 were projected at \$1,526,791. The following shows the ending fund balance if only the November fee increase was implemented.

Fiscal Year	Ending Balance based on the November fee increase
2001	\$800,787.18
2002	-\$877,808.99
2003	-\$212,655.17
2004	-\$1,997,270.48
2005	-\$1,746,101.54

COMMENT: MONA commented that both the January 1, 2001 emergency rule and the proposed rule refer to the "dramatic shortfall of \$1.9 million in the nursing fund." The emergency statement goes on to acknowledge that "without the immediate fee increase" the board could still meet its financial obligations in SFY 2001. On September 6, 2000 the board's executive director sought an additional \$1.9 million in funding for the remainder of this fiscal year and represented that the board would receive \$3,421,900 in RN renewal fees "this year" from which it could repay the loan. Thus, the "dramatic shortfall of \$1.9 million" is not the cause for this second fee increase in less than a month. According to the emergency statement the real problem is a projected shortfall in SFY 2002. Based on the fact that the board itself has questioned the charges it pays to the division and the department and has requested a state audit . . . it should wait until the audit is released to see if there are other ways to address the 2002 shortfall without placing the entire burden on licensees.

RESPONSE: Although if the board did not file an emergency amendment to increase the renewal fees, the board would have to continue to borrow money and repay the loan with interest, which would continue to increase costs. The charge below shows the total projected expenditures by fiscal year, the ending fund balance with only the emergency rule in place, and the ending fund balance with no fee increase other than the November 30, 2000 rule that was never enforced. The majority of fees are received toward the end of the fiscal year. A fiscal year for the state is July 1 to June 30. During a RN renewal year, fees are received February through April. During a LPN renewal year, fees are received March through May. In order to operate without a budget deficit, the Board of Nursing needs to have at least the amount projected for the total expenditures for the entire fiscal year, at the beginning of the fiscal year.

Fiscal Year	Projected Total Expenditures	Ending Balance with Only the Emergency Fee Rule in Place	Ending Balance based on the November Fee Increase
2001	\$3,001,824.11	\$3,568,507.18	\$800,787.18
2002	\$3,078,861.18	\$1,874,911.01	-\$877,808.99
2003	\$3,071,861.18	\$2,530,064.83	-\$212,655.17
2004	\$3,177,380.30	\$737,949.52	-\$1,997,270.48
2005	\$3,300,946.06	\$986,618.46	-\$1,746,101.54

COMMENT: MONA commented between SFY 2000 and SFY 2001, total expenditures of the board increased from \$2,405,601

to \$3,226,474 or an \$820,873 increase. This is a 34% increase in one year, almost all of which is in three categories: \$321,148 is in "Expense and Equipment" (a 44% increase in that category); \$151,200 in a new budget item "Extra PR Appropriation;" \$58,497 increase (120% increase) in "Optical Imaging;" and a \$62,989 (35%) increase in fringe benefits. The board, the division and the department need to address the expense side of the budget rather than increasing licensing fees by 117% and 137% in one year to balance out-of-control spending.

RESPONSE: Part of the reason for the increase in operating costs is the fact that the Board of Nursing, as well as other boards within the Division of Professional Registration, converted from a non-Y2K-compliant licensing system to a new licensing system. Another factor is that the number of investigations has continued to increase each year, which increases costs. \$250,000 of the increase in the "Expense and Equipment" category was for an increase in the appropriations allowing the board to conduct more investigations per year. Over the past four years, the number of complaints requiring investigation increased 17% per year. The increase in the number of complaints created a backlog of cases to be investigated. Another item that increased the "Expense and Equipment" category was a pass-through account in order to conduct FBI fingerprint checks. The FBI charges \$22 for each fingerprint check. Each applicant is required to pay this additional \$22 for the background check to the board who then, upon receipt of a bill, pays them for the checks conducted. As a result, a pass-through account had to be set up to collect the fees and then pay the bill for the background checks. One more factor is that the current formula used to determine the board's portion of cost of the division and department averages 30% based on the 3-year licensure numbers. The Board of Nursing is assessed 30% of the costs charged by the division and department. The Board of Nursing has been operating below full staffing for quite some time. The category of "Fringe Benefits" is calculated at full-staffing so that when the Board of Nursing is at full staff, it will have money to pay the fringe benefits. The "Extra PR Appropriation" is based on a new cost allocation method used by the department to charge for direct services provided and a proportionate share of administrative and support services.

COMMENT: MONA commented that budget projections prepared by the board show that no increase now but a \$30 increase in 2002 (total \$80 fee for RN renewals), the board would have positive fund balances through 2005 except for a \$270,007 shortfall in 2002, which is quickly resolved in 2003. Even the 2002 shortfall is doubtful because it is based on a current fee of \$50 for RN renewals when the current rate, because of the November 30, 2000 increase, is actually \$60. This \$10 difference adds \$680,000 to the budget in 2001 and would wipe out the projected 2002 deficit.

RESPONSE: The November 30, 2000 fee rule increase represented a RN renewal fee of \$60. The Board of Nursing only receives \$50 of this fee. \$10 of each RN renewal fee and \$2 of each LPN renewal fee is for the nursing student loan fund, administered by the Missouri Department of Health. The additional \$10 RN fee and \$2 LPN fee is collected by Section 315.221, RSMo. RNs renew every two-years in odd-numbered years and LPNs renew every two-years in even-numbered years. Since there are more RNs than LPNs, the Board receives more revenue in odd-numbered years than in even-numbered years. The RN renewal cycle is February to April. The LPN renewal cycle is March to May. When determining revenue and expenses, the board has to plan to have enough reserve in the fund to pay expenses until the revenue from renewal fees is received.

COMMENT: MONA stated it is not assigning blame or responsibility for the "budget shortfall" on any of the three identified parties. However, correspondence exchanged between them and the State Auditor clearly shows that somebody failed to control

expenses and, rather than do so, the decision has been made to raise revenue from licensees. Between SYF 1998 and SFY 2001, expenses have risen almost 50%. The board, division and department should address this dramatic increase in expenses before they increase fees, especially where, as here, the amount being raised is well in excess of current need and will likely result in additional spending.

RESPONSE: The Board of Nursing and Division of Professional Registration are working on a number of projects to control spending. The board requested a formal audit from the state auditor's office. The audit is currently being conducted. The audit has not been completed, therefore, no findings have been shared with the board. Once complete, the board is optimistic that the audit findings will assist them in better planning for the future. The Board of Nursing and Division of Professional Registration are currently re-evaluating how division and department administrative costs are allocated to boards under the Division of Professional Registration.

POSITIVE COMMENTS REGARDING BOARD SERVICES:

COMMENT: Four letters and 15 telephone calls were received in support of the proposed amendment. One nurse thanked the board for making the renewal process so easy and for not mandating that nurses obtain continuing education units. The nurse indicated that the increase in the renewal fee is of no significance compared to the practicalness of the license renewal process and is also cheaper than the \$400 a year the nurse had to pay in the past to keep up continuing education. Another nurse commented that the Missouri State Board of Nursing far exceeds other boards in availability and assistance. One nurse commented that she was only happy to send the renewal fee and suggested that we add a checkbox on the renewal form where nurses could pay more money, if they so desired. A nursing service agency, representing 325 nurses commented that they find the \$50 a year fee very miniscule and that it translates to about \$.14 per day over the course of a year. The staff at the Board of Nursing has always been responsive and happy to assist in any way possible.

RESPONSE: The Board of Nursing does strive to provide excellent customer service. We appreciate the positive comments received.

JOINT COMMITTEE ON ADMINISTRATIVE RULES:

COMMENT: The Joint Committee on Administrative Rules held a hearing to discuss the board's budget shortfall. The Committee ruled to allow the rule to continue if the board would agree to lower the RN Renewal Fee to \$80 (\$70 for the RN renewal fee and \$10 for the nursing student loan fund) and the LPN Renewal Fee to \$72 (\$70 for the LPN renewal fee and \$2 for the nursing student loan fund) beginning Fiscal Year 2003.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed that based on the current projections the amended amounts would be acceptable to allow them to maintain an adequate fund balance. The projections can change if costs increase (i.e. investigations) and/or the number of licensees decrease at a rate higher than that projected. The board will continually monitor expenditures and revenues to ensure that the fees are set at a level sufficient to cover the cost of operation. Based on the amended renewal amount a revised fiscal note is also being filed.

4 CSR 200-4.010 Fees

(1) The following fees are established by the State Board of Nursing:

- (A) Examination Fee—Registered Professional Nurse (RN) \$ 45.00
 - 1. Reexamination Fee—RN \$ 40.00
- (B) Examination Fee Licensed Practical Nurse (LPN) \$ 41.00

- 1. Reexamination Fee—LPN \$ 40.00
- (C) Endorsement Fee—RN \$ 55.00
- (D) Endorsement Fee—LPN \$ 51.00
- (E) Lapsed License Fee (in addition to renewal fee for each year of lapse) \$ 50.00
- (F) School Annual Registration Fee \$100.00
- (G) Verification Fee \$ 30.00
- (H) License Renewal Duplicate Fee \$ 15.00
- (I) Computer Print-Out of Licensees—not more than \$ 25.00
- (J) Biennial Renewal Fee—
 - 1. RN—Prior to January 1, 2003 \$100.00
 - Effective January 1, 2003 \$ 80.00
 - 2. LPN—Prior to January 1, 2003 \$ 92.00
 - Effective January 1, 2003 \$ 72.00
 - 3. License renewal for a professional nurse shall be biennial; occurring on odd-numbered years and the license shall expire on April 30 of each odd-numbered year beginning with the 1997–1999 renewal period. License renewal for a practical nurse shall be biennial; occurring on even-numbered years and the license shall expire on May 31 of each even-numbered year beginning with the 1998–2000 renewal period. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications (see 4 CSR 200-4.020) shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd-numbered year to all RNs currently licensed;
 - 4. Renewal fees for each biennial renewal period as outlined in this subparagraph shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application:
 - A. RNs (odd-numbered years):
 - (I) Prior to January 1, 2003, one hundred dollars (\$100); and
 - (II) Effective January 1, 2003, eighty dollars (\$80).
 - B. LPNs (even-numbered years):
 - (I) Prior to January 1, 2003, ninety-two dollars (\$92); and
 - (II) Effective January 1, 2003, seventy-two dollars (\$72);
 - 5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;
 - (K) Review and Challenge Fees—
 - 1. LPN \$100.00
 - 2. RN \$100.00
 - (L) Uncollectible Fee (Charged for any uncollectible check or other uncollectible financial instrument submitted to the Missouri State Board of Nursing.) \$ 25.00
 - (M) Fee for Late Education Agenda Items \$ 30.00
 - (N) Application Fee for Proposals to Establish New Programs of Nursing \$500.00
 - (O) Application Fee for Advanced Practice Nurse Eligibility \$150.00

REVISED FISCAL NOTE PRIVATE ENTITY COSTS

I. RULE NUMBER

Title 4 – Department of Economic Development

Division 200 – Missouri State Board of Nursing

Chapter 4 – General Rules

Proposed Amendment: 4 CSR 200-4.010 Fees

Revised March 14, 2001 by the Missouri State Board of Nursing of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Fiscal Year 2001

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected.	Annual estimated cost of compliance for the life of the rule:
68,438	Currently Licensed RNs seeking licensure renewal (biennially each odd numbered year) (increase of \$40)	\$2,737,520
755	Non-Current LPNs seeking licensure renewal (increase of \$40)	\$30,200
*Total estimated increase for fiscal year 2001		\$2,767,720

Fiscal Year 2002

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected.	Annual estimated cost of compliance for the life of the rule:
1,850	RN graduates seeking a license in Missouri by exam (increase of \$25)	\$46,250
450	Repeat RN exam applicants seeking a license in Missouri (increase of \$25)	\$11,250
680	LPNs graduates seeking a license in Missouri by exam (increase of \$30)	\$20,400
170	Repeat LPN exam applicants seeking a license in Missouri (increase of \$30)	\$5,100
1,180	RNs licensed in another state seeking a license in Missouri (increase of \$25)	\$29,500

290	LPNs licensed in another state seeking a license in Missouri (increase of \$25)	\$7,250
39	Nurses with a lapsed nursing license seeking renewal (increase of \$20)	\$780
91	School Annual Registration Fee (increase of \$50)	\$4,550
1,104	Missouri nurses seeking a duplicate license (increase of \$10)	\$11,040
100	Non-Current RNs seeking licensure renewal (increase of \$40)	\$4,000
21,603	Currently Licensed LPNs seeking licensure renewal (biennially each even numbered year) (increase of \$40)	\$864,120
455	Missouri nurses seeking APN recognition (increase of \$75)	\$34,125
*Total estimated increase for fiscal year 2002		\$1,038,365

Fiscal Year 2003 and Each Odd Numbered Year Thereafter

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected.	Annual estimated cost of compliance for the life of the rule:
1,850	RN graduates seeking a license in Missouri by exam (increase of \$25)	\$46,250
450	Repeat RN exam applicants seeking a license in Missouri (increase of \$25)	\$11,250
680	LPNs graduates seeking a license in Missouri by exam (increase of \$30)	\$20,400
170	Repeat LPN exam applicants seeking a license in Missouri (increase of \$30)	\$5,100
1,180	RNs licensed in another state seeking a license in Missouri (increase of \$25)	\$29,500
290	LPNs licensed in another state seeking a license in Missouri (increase of \$25)	\$7,250
39	Nurses with a lapsed nursing license seeking renewal (increase of \$20)	\$780

91	School Annual Registration Fee (increase of \$50)	\$4,550
1,104	Missouri nurses seeking a duplicate license (increase of \$10)	\$11,040
68,438	Currently Licensed RNs seeking licensure renewal (biennially each odd numbered year) (increase of \$20)	\$1,368,760
100	Non-Current LPNs seeking licensure renewal (increase of \$20)	\$2,000
455	Missouri nurses seeking APN recognition (increase of \$75)	\$34,125
*Total estimated increase for fiscal year 2003 and each odd numbered year thereafter		\$1,541,005

Fiscal Year 2004 and Each Even Numbered Year Thereafter

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected.	Annual estimated cost of compliance for the life of the rule:
1,850	RN graduates seeking a license in Missouri by exam (increase of \$25)	\$46,250
450	Repeat RN exam applicants seeking a license in Missouri (increase of \$25)	\$11,250
680	LPNs graduates seeking a license in Missouri by exam (increase of \$30)	\$20,400
170	Repeat LPN exam applicants seeking a license in Missouri (increase of \$30)	\$5,100
1,180	RNs licensed in another state seeking a license in Missouri (increase of \$25)	\$29,500
290	LPNs licensed in another state seeking a license in Missouri (increase of \$25)	\$7,250
39	Nurses with a lapsed nursing license seeking renewal (increase of \$20)	\$780
91	School Annual Registration Fee (increase of \$50)	\$4,550
1,104	Missouri nurses seeking a duplicate license (increase of \$10)	\$11,040

100	Non-Current RNs seeking licensure renewal (increase of \$20)	\$2,000
21,603	Currently Licensed LPNs seeking licensure renewal (biennially each even numbered year) (increase of \$20)	\$432,060
455	Missouri nurses seeking APN recognition (increase of \$75)	\$34,125
*Total estimated increase for the fiscal year 2004 and each even numbered year thereafter		\$604,305

III. WORKSHEET

See Tables Above

IV. ASSUMPTIONS

The number of applicants utilized in this fiscal note is based on figures from fiscal year 1998-1999 and fiscal year 1999-2000 with the following decrease in numbers:

- RN licenses decreased by 9%
- RN Exam applicants decreased by 5%
- LPN Exam applicants decreased by 18%
- RN Endorsement applicants decreased by 19%
- LPN Endorsement applicants decreased by 21%

The board is not projecting any growth in licensees or applicants due to the current nursing shortage. However, if the number of applicants/licensees increases, the estimated private entity cost will increase by the number of applicants/licensees.

\$5.00 of the RN examination and RN endorsement fees; \$1 of the LPN examination and LPN endorsement fees; \$10.00 of the RN renewal fee and \$2.00 of the LPN renewal fee is for the Nursing Student Loan Program administered through the Department of Health.

The proposed increases were determined by conducting a comprehensive analysis of the cost to the Board of Nursing for each service. The Missouri State Board of Nursing operates on fees collected by licensees and applicants.

The following represents the last time the board increased the various fees.

- 1981 Lapsed license fee increase from \$25 to \$50
- 1984 RN and LPN fee increase for a license in Missouri from another state
- 1984 RN and LPN examination fee increase
- 1991 Renewal fee increase
- 1991 Collect the amount charged for the nursing student loan fund (\$5 per year for RNs and \$1 per year for LPNs)

It is anticipated that this total increase will recur for the life, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.095, 338.100, 338.140, 338.240 and 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.018 Prescription Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2789). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.030, 338.035, 33.040, 338.070, 338.140 and 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.030 Educational and Licensing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2789-2790). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100, 338.140 and 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2790-2791). The sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Missouri Pharmacy Association stated that the new subsection (7) appears to give a board investigator a license to demand an almost immediate response to requests for documentation. The change in response time from "three (3) working days" to "two hours" might make the pharmacy's ability to respond difficult or impossible. If the electronic data system should be unavailable or if the requested data was not a part of the active database, the pharmacy could not respond in two (2) hours. RESPONSE AND EXPLANATION OF CHANGE: The board considered the comments and stated that the two (2) hours response time was intended to be for on-line information, not for the production of reports. In response to these concerns, the board authorized the following changes in the proposed amendment:

4 CSR 220-2.080 Electronic Data Processing

(7) Any EDP system, as described in section (1), must be capable of producing the record required in subsections (2)(A)–(M) and said records shall be readily retrievable on-line. Readily retrievable is defined as providing EDP records within two (2) hours of time of request by an inspector or by making a computer terminal available to the inspector for immediate use.

(9) If a prescription is transferred from a pharmacy using an EDP system, a notation or deactivation must be made on the transferred record to preclude any further dispensing. If the same prescription is transferred back into the original pharmacy, it shall be treated as a new record, showing the original date written and expiration date.

(10) Prior to or simultaneously with the purging of any EDP system, the pharmacist-in-charge or permit holder shall make certain that a record of all prescription activity being erased exists in readable form, either on paper, microfiche or electronic media storage. A pharmacy that desires to discard hard copy prescriptions that are more than three (3) years old must maintain all prescription information on microfiche or electronic media. Any process utilizing microfiche must ensure that all data is available and in readable form. Any pharmacy opting for the utilization of microfiche records must also maintain a microfiche reader so that records may be reviewed on-site by pharmacy personnel or board inspectors. Electronic media storage is defined as any medium such as a computer, floppy disk or diskette, compact disk (CD) or other electronic device that can reproduce all prescription information as required by section 338.100, RSMo and this rule and is retrievable within three (3) working days.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.140, 338.240 and 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2791). The sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Missouri Pharmacy Association commented that the additional responsibility of the pharmacist-in-charge as proposed may be complicated because of the requirements of health care providers under Health Insurance Portability and Accountability Act of 1996 (HIPAA) dealing with the electronic transmission of health care data. It would appear that a violation of the electronic transmission and security provisions of HIPAA would put the pharmacist-in-charge also in violation of the licensing law. They suggested that the language be reworded.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred and approved a change in subsection (2)(EE):

4 CSR 220-2.090 Pharmacist-in-Charge

(2) The responsibilities of a pharmacist-in-charge, at a minimum, will include:

(EE) Maintain compliance of automated dispensing and storage systems with applicable board rules and regulations.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 220—State Board of Pharmacy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100, 338.140 and 338.280 RSMo 2000, the board rescinds a rule as follows:

4 CSR 220-2.300 Record Confidentiality and Disclosure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2791). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 220—State Board of Pharmacy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100, 338.140 and 338.280, RSMo 2000, the board adopts a rule as follows:

4 CSR 220-2.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2791-2792). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Four (4) comments were received.

COMMENT: The Missouri State Medical Association expressed concerns that the rule as proposed protects only the confidentiality of those records which identify specific patients, and would not

necessarily cover the records of prescribing physicians. This would not prevent a pharmacy from compiling and selling records relating to a physician's prescribing patterns and further, that the rule could lead to disclosure of data that would unfairly categorize a prescribing physician as an over-utilizer of certain classes of drugs without taking into account other critical factors, such as the physician's patient population.

RESPONSE: The board noted the managed care entities have that capability now and the board did not feel that this rule would enhance or inhibit that capability.

COMMENT: United Healthcare suggested that this rule would prohibit electronic claims submission and payment by a third party processor. By requiring the pharmacist to acquire the express written consent of the patient allowing their claims to be submitted electronically, the efficient process in place now would be at a standstill. They stated this rule could also conceivably prohibit audits and quality reviews by managed care organizations. BlueCross BlueShield of Missouri's comment was basically the same, i.e., that the rule would effectively prohibit electronic claims submission and also would prohibit audits and quality reviews.

RESPONSE: In response to the comment regarding electronic claim processing, it was noted that the previous rule did not address this issue. Normally, when a patient enters into an agreement with their insurance company, they sign a release to allow their prescription information to be shared with the insurance company. Therefore, the board did not make any change to the text of the proposed rule based on these comments. In the response to a perceived prohibition of audit capabilities, it was pointed out that all health care management contracts contain a clause that allows for the audit.

COMMENT: BlueCross BlueShield of Missouri commented that the proposed rule would prohibit a pharmacy from releasing a patient's medication to a family member, since the label contains confidential information. The Missouri Association of Health Plans concurred with the comments made by BlueCross BlueShield of Missouri.

RESPONSE: The existing rule did not specifically address this issue and the board did not feel the proposed language would be any different.

COMMENT: All comments caused the board to review and reevaluate the rule proposals.

RESPONSE AND EXPLANATION OF CHANGE: The board determined that the rule as proposed did not accurately reflect the board's intent, therefore, the board voted to maintain the original language in the *Code of State Regulations*. In addition the board voted to add a new subsection in (2)(G) and approved the deletion of the existing text in section (3) and readoption of new language in section (3).

4 CSR 220-2.300 Record Confidentiality and Disclosure

(1) Prescription records, physician orders and other records related to patient care that are maintained by a pharmacy in accordance with section 338.100, RSMo shall be considered confidential. Adequate security shall be maintained over such records in order to prevent any indiscriminate or unauthorized use of any written, electronic or verbal communications of confidential information.

(2) Confidential records shall not be released to anyone except—

(A) The patient;

(B) The authorized prescriber who issued the prescription order or a licensed health professional who is currently treating the patient;

(C) Lawful requests from a court or grand jury;

- (D) A person authorized by a court order;
- (E) Any other person authorized by a patient to receive such information;
- (F) The transfer of medical or prescription information between pharmacists as provided by law; or
- (G) Government agencies acting within the scope of their statutory authority.

(3) This rule does not change or otherwise alter the authority of the board, its inspectors or other authorized designees to review, inspect, copy or take possession of any such records.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.210 and 338.280, RSMo 2000, the board adopts a rule as follows:

4 CSR 220-2.900 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2792-2794). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received.

COMMENT: The Pyxis Corporation supported the rule, but asked that a change be made to Section (1)(E), to allow other licensed personnel to restock the automated dispensing system. They also asked for clarification of the term "licensed automated system pharmacy." Cox Health Systems' comments also addressed section (1)(E), questioning whether or not the pharmacist-in-charge could be certain that the unit was stocked correctly, unless s/he actually stocked the unit.

RESPONSE AND EXPLANATION OF CHANGE: The board disagreed with the suggestion to add language to allow "other licensed personnel" to stock the automated dispensing system. Chapter 338 and regulations previously adopted by the board would require anyone having access to drugs in this matter maintain a license as a pharmacist, intern or be registered as a technician. The board voted to delete the word "licensed" and "pharmacy" in sections (2) and (3).

COMMENT: Cox Health Systems submitted comments expressing concerns about (1)(B) applying to hospital pharmacies. This commenter questioned the language in (2)(D), which mandates that a list of medications stored in the system be maintained.

RESPONSE AND EXPLANATION OF CHANGE: The board believed that the comments noted pertained to this rule's application to an inpatient hospital pharmacy. It was stressed that this rule will not apply to inpatient hospital pharmacies. However, the board did recognize that the requirement for a list of medications and devices stored in the automated system would be unnecessary. The board made the following changes:

4 CSR 220-2.900 Automated Dispensing and Storage Systems

(1) Automated dispensing and storage systems (hereafter referred to as automated system or system) are hereby defined to include, but are not limited to, mechanical systems that perform operations or activities, relative to the storage, packaging or dispensing of

medications, and which collect, control, and maintain all transaction information. Such systems may be used in pharmacies and where a pharmacy permit exists, for maintaining patient care unit medication inventories or for a patient profile dispensing system, provided the utilization of such devices is under the supervision of a pharmacist.

(A) Documentation shall be maintained by the owner/operator of an automated system for the type of equipment, locations where all systems are located, identification of all persons accessing the automated system, the identity of persons stocking or restocking the system and the pharmacist responsible for checking the accuracy of medications stocked.

(B) Automated systems shall be used only in settings that ensure medication orders are reviewed by a pharmacist in accordance with established policies and procedures and laws governing the practice of pharmacy.

(C) Automated systems shall maintain adequate security systems and procedures to prevent unauthorized access or use and shall at all times maintain compliance with all state and federal drug laws including all controlled substance requirements and patient confidentiality laws.

(D) Restocking of automated systems shall be done by registered technicians under the supervision of a pharmacist or by a pharmacist.

(E) All events involving access to the contents of the automated system must be recorded electronically.

(F) No medication or device shall be returned directly to the system for reissue or reuse by a person not licensed or registered by the board of pharmacy.

(G) Quality assurance documentation for the use and performance of the automated systems shall be maintained for a minimum period of two (2) years and shall include at a minimum the following:

1. Breach of security of the automated system;
2. Failure of the system to operate correctly along with the frequency of any failures and the necessary repairs completed;
3. Tests completed to measure the effectiveness and accuracy of the system.

(2) Each automated system shall maintain a manual of policies and procedures that, at a minimum, shall include the following:

(A) System operations that include specific and measurable accountability for safety, security, accuracy, patient confidentiality, access, data retention and retrieval, downtime procedures, emergency or first dose procedures, inspection of systems by pharmacy personnel, installation requirements, maintenance, medication security, quality assurance, inventory control, staff education and training and system set-up and malfunction.

(B) Documentation by the automated system for on-site patient administration of medications that includes specific identification of patients, medications used along with dates and times the system is utilized.

(C) Effective procedures for securing and accounting for wasted medications or discarded medications.

(D) Access to and limits on access (security levels) to the automated system must be defined and must comply with applicable state and federal laws and regulations.

(3) The pharmacist-in-charge is responsible for the overall compliance of the automated system in the same manner as other pharmacy operations as outlined in 4 CSR 220-2.090. In addition, responsibilities will also include:

(A) Establishment of a quality assurance program prior to implementation of an automated system and the supervision of an ongoing quality assurance program that monitors appropriate use and performance of the automated system, which is evidenced by written policies and procedures developed by the pharmacy;

(B) Assign, discontinue or change access to the automated system;

(C) Assure that the automated system is in good working order and accurately provides the correct strength, dosage form and quantity of a drug prescribed while maintaining appropriate record keeping and security safeguards.

(D) Procedures used for notifying the board on a timely basis and other state and federal agencies, when warranted, of any breach of security which results in the unauthorized removal of drugs.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.330, 338.333, 338.335, 338.337, 338.340 and 338.350, RSMo 2000, the board amends a rule as follows:

4 CSR 220-5.020 Drug Distributor Licensing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2795). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.343 and 338.350, RSMo 2000, the board amends a rule as follows:

4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2795–2796). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 265—Division of Motor Carrier and Railroad
Safety
Chapter 10—Motor Carrier Operations**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Motor Carrier and Railroad Safety under sections 390.041, 390.071, 390.126, 390.128 and 622.027, RSMo 2000, the division amends a rule as follows:

4 CSR 265-10.030 Insurance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 203–209). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director rescinds a rule as follows:

10 CSR 90-2.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2806). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2806–2809). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one E-mail comment on this proposed rule.

COMMENT: One commenter recommended the department clarify section (1), subsection (K) defining Persons with a disability in relationship to eligibility for a discount. The rule implies that all people receiving a discount are disabled. The same commenter offered a grammatical change to subsection (A)1. In the first sentence under "Animals."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees, has amended section (1)(K) to omit reference to discounts, and also edited section (1)(A)1.

10 CSR 90-2.010 Definitions

- (1) General Definitions.
(A) Animals.

1. Dangerous animal means an animal, domestic or wild, not under restraint, even temporarily, that has, without provocation, approached in a threatening, menacing, or terrorizing manner any person or domestic animal.

2. Quarantine means to keep an animal in a pen, building, or other secure enclosure from which the animal cannot escape and that keeps the animal from coming into contact with humans or other animals outside the area of confinement.

3. Vicious animal means an animal, domestic or wild, which has without provocation bitten, inflicted injury, assaulted, or otherwise attacked or endangered the safety of a human being or domestic animal.

(K) Persons with a disability. Those people, as defined in the Americans with Disabilities Act.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director rescinds a rule as follows:

10 CSR 90-2.020 Park Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2810). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.020 Park Management is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2810–2814). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director rescinds a rule as follows:

10 CSR 90-2.030 Recreational Activities is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2815). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2815–2819). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received five E-mail comments on this proposed rule.

COMMENT: Three agency staff and one private citizen submitted comments regarding Section (5) Campsite Availability and its application to Section (9) Holding or Reserving a Campsite. All propose requiring substantial personal property in addition to a valid camping permit or official marker in lieu of giving choices of substantial personal property and/or a valid camping permit to holding a campsite. Two agency staff requested that Section (24), subsection (C) regarding concession one-night reservations . . . be deleted. One agency staff requested adding a statement that the department establishes special fishing regulations.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended Section (5) to reflect the comments received. The department agrees with adding a clause under Section (22) Fishing to establish special fishing regulations. The department also concurs with eliminating subsection (24)(C) to give concessionaires greater customer service flexibility.

10 CSR 90-2.030 Camping and Recreational Activities

(5) Campsite Availability. Campsites are available on a “first-come first-served” basis except those which have been reserved under the formal reservation system or as provided for under other regulations. A campsite is considered unavailable and occupied when it has posted a valid camping permit and contains substantial personal property (i.e., dining fly, trailer, tent, licensed vehicle), or a valid camping permit and an official marker/sign as provided specifically by the state park or historic site. The valid camping permit shall take priority as evidence and first right of occupancy for the standard camping day in the event the campsite is inadvertently occupied by anyone other than the original holder of the camping permit.

(22) Fishing. Fishing shall be permitted in waters of state parks and historic sites under applicable provisions of the Missouri wildlife code.

(A) All state fishing laws and boating laws shall be obeyed; commercial fishing or the buying or selling of fish caught in park waters is forbidden.

(B) Fishing may be prohibited in certain areas as designated by the director and upon the proper posting of these areas.

(C) In addition to applicable provisions of the Missouri wildlife code, the director may establish special fishing regulations for waters owned or under the jurisdiction of the Department of Natural Resources.

(24) State Park and Historic Site Concessions.

(C) Cabins, motels, and other lodgings shall not be guaranteed for occupancy before 3:00 p.m. and check-out time is 11:00 a.m.

(D) Dining Lodges. The normal operating season for state park dining lodges is established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(E) Marinas. The normal operating days and seasons for state park marinas are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(F) Swimming Pools and Beaches. The normal operating days and seasons for state park swimming pools and beaches are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire. Swimming pools and beaches may be closed due to hazardous conditions or in the event of inclement weather.

(G) Other concessions shall be open as approved by the director.

(H) Concessionaires shall provide the director with an annual pricing review, comparing concession prices with those of direct competitors for equivalent goods and services, i.e., for lodging, watercraft slips and rentals, etc.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director amends a rule as follows:

10 CSR 90-2.040 Park Property is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2820–2821). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director rescinds a rule as follows:

10 CSR 90-2.050 Organized Group Camps is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2821). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.050 Organized Group Camps is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2821–2822). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director rescinds a rule as follows:

10 CSR 90-2.060 Outdoor Education Center is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2822). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1,

2000 (25 MoReg 2822–2824). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three letters and one internal E-mail commenting on this proposed rule.

COMMENT: Mr. Allen Brockman, Chairman, Camp Rainbow Foundation commented that the delay in schedule confirmations was too long and adversely impacts their planning efforts; also they felt that all-volunteer non-profit organizations should have priority over profit organizations. Ms. Barb Sacco, Director of Recreational Therapy commented that the center be reserved for non-profit groups only; set a maximum number of weeks per year a group can schedule the facility; and was concerned about the multiple deadlines for scheduling. Mrs. Lori Martin, Director of Cub Creek, Camp Black Hawk, and Camp Carp Diem provided numerous comments on the entire code including: moving and reorganizing some of the code; concerns about the vague nature of the application procedures; not giving preference for one person with a disability over another for setting rental priorities; the setting of deposit fees; concern about the camp administrator approving applicant programs. An agency staff member requested adding a provision authorizing the division director to exclude specific dates from the application process for the purpose of training division employees and promotion of special events.

RESPONSE AND EXPLANATION OF CHANGE: While the department recognizes the merits of Ms. Sacco's suggestion, we acknowledge that for-profit groups are also citizens of the state. Given the primary purpose of the Organized Group Center, the agency will continue using a rental priority system that gives priority to non-profit groups and to children while allowing the use of the center by for-profit groups. The agency agrees with Ms. Sacco's suggestion to place limits upon the number of weeks any single group may utilize the facility as amended in Section (1)(A)3. The agency agrees that all citizens should have an equal opportunity to compete for available dates, and also maximize the use of the camp. Ms. Sacco and Mr. Brockman questioned the timing of our initial application process. The agency agrees that many groups need more notice than previously allowed. The agency agreed to simplify the process while retaining a greater notification time. The agency has amended Section (1)(A)1. of the regulation in finalizing scheduled notifications.

The agency resolved various comments on the application procedure by simplifying the application process. All groups may apply during the initial application period and we will use the rental priority process and postmark to determine the standing of their application. The agency disagrees with Mrs. Martin's approach to the rental priority list. The agency believes that it is appropriate to establish a priority list that favors disabled populations over the general population; children over adults, and non-profit over profit groups and has indicated this list in Section (1)(D). This priority list allows us to ensure that we are serving target groups for which the camp was designed. The agency does not believe that the process should favor larger groups over smaller groups or those with a higher percentage of disability. Application to this camp must be open to all citizens including those with smaller numbers. While we agree with Mrs. Martin's concern that establishing a deposit based on a percentage does have some application, the agency believes this method would be overly complicated. The agency would prefer using a flat rate subject to discretion. The length of stay for our groups varies greatly (weeks, days, or hours). Establishing a flat rate that applies to all groups requires some discretion. We have changed Section (5)(A) in an attempt to clarify Mrs. Martin's concerns over the closure of

the camp with or without return of deposit, and program approval. The agency believes that it is important to continue review of the group's program. This will allow for the opportunity in advance to review proposed activities and determine their appropriateness to center use (some activities are not permitted in all state park areas including firearm use, animals, mountain biking, and ORV/ATV use). The agency would like the ability to work with users in advance to develop alternative programs in the event there are concerns over the program content. The agency made numerous changes to clarify the regulation as she recommended.

10 CSR 90-2.060 Organized Group Center

(1) Application Procedures.

(A) Any group that is organized may apply to reserve the center.

1. The initial application period for center use is March 1 through March 31 for the next calendar year. The initial call for applications shall occur during January; however, all applications postmarked prior to March 1 shall be considered to have a March 1 date. Rental priorities shall be given to qualified applicants, as per rental priority list, with the earliest postmark within the application period.

2. The center's schedule shall be set by May 1. Each applicant shall receive notification of availability/confirmation/denial. In the event of duplicate request, the center administrator has the right to consider second and third priorities in preparing the schedule. If after considering priorities a conflict still exists between the requests of two or more groups, a drawing shall be used to determine priority.

3. Length of use period shall not be longer than ten consecutive days for any application. Separate applications must be submitted for each ten-day request. Applications will be accepted for consecutive days only.

4. The director, Division of State Parks, reserves the right to exclude specific dates from the application process. These dates may be for the purpose of training division employees; promotion of special events that embody the values and principles of the division; or maintenance and construction activities to enhance the center.

(C) Applications for center use may be obtained from the center administrator. Reservations requested after the initial application period may be made by calling the administrator who will log and hold the dates for two weeks. Applications and deposits must be received within this time period to finalize the reservation. The reservation is approved on a first-come first-served basis.

(D) Rental Priorities.

1. Non-profit (501-C3) organized groups of youths with disabilities.

2. Non-profit (501-C3) organized groups of adults with disabilities.

3. Families with children who are disabled.

4. Adults being trained to work with those who are disabled by non-profit (501-C3) organized groups.

5. Non-profit (501-C3) organized groups that mainstream disabled with non-disabled.

6. Other groups will be considered on a space-available basis.

(E) The center administrator shall assign cabins to all groups.

(2) Fees.

(A) A deposit fee must accompany each application with the exception of state agencies. The center administrator shall establish the amount of the deposit fee. Groups canceling less than 45 days prior to their confirmed reservations shall forfeit their deposit fee.

(3) Staffing. The using organization shall provide minimum supervision of at least one adult (18 years of age or older) for eight persons under 18 years, or as otherwise proposed by the organization's governing standards, as well as necessary qualified personnel for all phases of the camp program. If the group wishes to use the pool, at least one person with American Red Cross, YMCA, Boy Scouts of America, or equivalent lifeguard certification must be present when the pool is in use. A copy of that certification must be given to the center administrator before the pool may be used.

(4) Check-In and Checkout Procedures.

(C) Groups using the center must have transportation available at all times.

(5) General Policy.

(A) The division shall close the center and cancel a group's reservation at such time that the condition of the facilities is found to be detrimental to the health or safety of the users. All advance deposits shall be returned to the using group. Thirty days before scheduled arrival at camp each rental group shall submit a written outline of its proposed camp program to the center administrator. The center shall be closed at the discretion of the division director if the group's program is not in keeping with the mission and objectives of the Department of Natural Resources or the group refuses to abide by the rules established by the Division of State Parks. In these cases, all deposits shall be forfeited and all fees incurred to date shall be paid upon departure.

(B) Smoking shall be permitted in designated areas only. No smoking shall be allowed in buildings.

(D) Fires shall be built in the designated areas only. No fire shall be left unattended.

(E) All cars and buses shall be parked in the parking lots. No vehicles, other than emergency vehicles, may drive through the center without prior permission from the center administrator.

(F) Groups using the outdoor group center shall adhere to all applicable state laws and state park regulations.

(H) Each group using the center shall have at least one staff member who is trained in first aid and CPR on duty at all times.

(I) User groups shall keep the facilities assigned, including grounds, during their stay at the center clean and free of hazards. The camp director/leader shall make daily inspections of all facilities and grounds to assure that they are clean and hazard free and report any facility in need of repair to the camp administrator.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 90—State Parks

Chapter 2—State Parks Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Natural Resources under section 253.035, RSMo 2000, the director adopts a rule as follows:

10 CSR 90-2.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2824-2826). The section of the proposed rule with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one E-mail comment on this proposed rule.

COMMENT: One agency staff commented that the agency should permit fencing only when the precise boundary is verified by a professional surveyor at the expense of the landowner.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended Section (2), subsection (C) to reflect the comment received. However, both the department and the landowner shall equally share the cost for the survey because having an accurately surveyed boundary line will benefit both the adjacent landowner and the department.

10 CSR 90-2.070 Fencing on Park-Owned Property

(2) The division may participate in fencing park and historic site boundaries for the purpose of preventing intrusion from livestock or commercial game in accordance with Chapter 272, RSMo. Fencing requests shall be submitted in writing and approved by the director or his/her designee. The division's procedures for participating in fencing of park and historic site boundaries for this purpose are as follows:

(C) Division personnel shall conduct an on-site inspection to determine need, natural and cultural resource impacts, fencing materials as defined in Chapter 272, RSMo, and reasonable cost of the fencing materials. The division shall also assess the accuracy of the fence location along the boundary based on survey information and by consulting with the division's survey crew. If the accuracy of the boundary is in question, the division may require a boundary survey, the cost of which shall be equally shared by the department and the landowner requesting the fence.

REVISED PUBLIC COST: The cost to the department may range from zero to \$508,324 during the life of the rule. This assumes current survey costs of \$8,600 per mile; that an estimated 333 miles of park boundary is unsurveyed; and that 71% of that amount is not fenced. At least 50% of the park boundaries are not suitable for livestock. The total estimated public fiscal note is calculated: 333 miles × 71% (unfenced) × 50% (not suitable for livestock) × \$8,600 per mile × 1/2 paid by the landowner equals \$508,324.

REVISED FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10 -Missouri Department of Natural Resources
 Division: 90-State Parks
 Chapter: State Parks Administration
 Type of Rulemaking: New Rule (Fencing on State Park Property)
 Rule Number and Name: 10 CSR 90-2.070

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by affected entities:
1	Division of State Parks	Zero to \$1,347,324

III. WORKSHEET:

The state park system contains approximately 950 miles of "shared" boundaries. This estimate does not include the Katy Trail State Park because this area is already fenced. Fencing costs are based on a four-strand barbed wire fence with posts spread 12 to 16 feet apart (Section 272.455.1). Typically, the cost to provide materials for this type of fence is 34 cents per foot. The potential cost to the department is approximately \$819,000 (1/2 of 34 cents per foot X 900 miles [\$1,638,000] multiplied times 50% X 5,280 ft./mile) to fence the shared boundaries of the state park system.

The worksheet is revised to reflect comments received during the public comment period. The department and the landowner shall equally share the cost for boundary surveys, if necessary. The amended estimated public fiscal note is calculated: 333 miles X 71% (unfenced) X 50% (not suitable for livestock) X \$8,600 per mile X 1/2 paid by the landowner equals \$508,324. This subtotal is then added to the previously estimated fiscal note of \$819,000 for a total of \$1,347,324.

IV. ASSUMPTIONS:

900 miles of shared boundary assuming an average of 10.81 miles of unfenced boundary for all typical state parks that equals 832.37 miles and 67.68 unfenced miles at Lake of the Ozarks State Park

The department assumes no ongoing costs after making the initial one-time materials cost for constructing the fence. Since Section 272.490.1 allows adjoining landowners to agree that no fence is needed between properties, the department's one-time costs are shown as ranging from \$0 to approximately \$819,000.

The department assumes from estimated calculations that 29% of the park system's boundaries are already fenced. Further, the department estimates that roughly one half of the 900 miles of unfenced shared boundaries would be specifically subject to livestock or commercial game use; thus, the less 50% reduction in the above worksheet formula. The actual percentage of anticipated requests for fencing would likely be less.

In addition, the following revised assumptions are used in calculating the revised public fiscal note following the public comment period in review of the Proposed Rules dated December 1, 2000. In the event that a boundary survey is needed to place a fence, the department will equally share in the survey cost with the landowner. Current survey costs are approximately \$8,600 per mile. An estimated 333 miles of park boundary is unsurveyed and approximately 71% of that amount are not fenced. At least 50% of the park boundaries are not suitable for livestock.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.600 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2719-2721). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Seven written comments were received. However, one individual made comment at a public hearing that was held regarding this rule. Below is a summary of those comments:

COMMENT: 1) Linda Bennett, Columbia VFW 280 Auxiliary—Agrees with the proposed changes. She states that her organization could save over 50% of its now-current financial outlay. Savings could be used for various donations. Doing away with paper reduces the avenue for the misuse of the paper and will speed up their game.

COMMENT: 2) Jim Davis, Tirey J. Ford Post 21, American Legion, Independence—Agrees with proposed changes. Organization could save up to \$5,600.00 per year with the elimination of the paper.

COMMENT: 3) Rick Nault, Harvestor, St. Charles, St. Peters Lions Club—Agrees with proposed changes. Paper for EBCMD is a waste and eliminating the paper will save his organization money.

COMMENT: 4) Valerie Siegrist, BK Entertainment—Supports the proposed changes. Requests the Commission consider using tests results from other jurisdictions, increase the 54 cards per unit limit. Eliminating paper will reduce the preload time, addresses the supplier invoicing and reporting requirements, suggests Commission require game operators to submit reports to the suppliers at the close of each session or weekly and suggest the Commission require monthly Summary reports be submitted by suppliers for each site system. Suggest an additional section be added to address voided transactions, disallow voids after the 10th game or 30 minutes into the game.

RESPONSE: The Commission will review the suggestions and consider the changes to sections (26), (27) and possibly adding one additional section for a time limit on voided transactions.

COMMENT: 5) Dale Robertson, American Games Inc.—Opposes changes. He suggests EBCMD be only allowed with paper. Suggest ECBMD manufacturers and suppliers be licensed and should be subject to the same qualifications, standards and equipment inspections as bingo equipment manufacturers and suppliers. **RESPONSE:** EBCMD Manufacturers and suppliers are subject to the same standards as other bingo equipment manufacturers and suppliers, EBCMD are defined as bingo equipment in rule 11 CSR 45-30.155.

COMMENT: 6) Kenneth A. Birenbaum, Bingo Brain Inc.—Opposes the changes. He feels EBCMD should only be used in conjunction with paper. Gave an overview and history of bingo and the different types of organizations who conduct bingo games in the US and Canada.

COMMENT: 7) Mary B. Magnuson, spokesman for the National Association of Fundraising Ticket Manufacturers (NAFTM) a trade Association representing bingo paper and charity game suppliers. States their association members oppose the rule. EBCMD must be used with disposable paper. EBCMD should only be permitted by statute or by rule, distributed by licensed Manufacturers to licensed distributors and must be tested before distribution.

RESPONSE: EBCMD are defined as bingo equipment by rule and can only be distributed by licensed entities which would require testing by an Independent Testing Laboratory before they could be allowed to be used without paper in Missouri.

COMMENT: Mary B. Magnuson also questions the testing of the portable handsets, invoicing and tax reporting requirements for EBMCD used without paper.

RESPONSE: If the amendment is approved, the EBCMD will only be allowed if the devices can pass the independent laboratory testing. If the EBCMD cannot pass the testing requirements, the EBCMD will only be allowed to be used with disposable paper, the same as under the current format.

The comments by NAFTM do not address the potential substantial money and time savings which could be incurred by the charities. The potential savings for the charities is documentable and verifiable. Nor do they address the potential for the misuse of the large quantities of unused or undaubed paper, which exist under the current system.

RESPONSE AND EXPLANATION OF CHANGES: Based on the above-mentioned comments, staff has made the following changes.

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices

(3) “EBCMD bingo sheet” means a disposable piece of paper containing one or more bingo cards which is a physical representation of the electronic bingo cards loaded into an EBCMD. All EBCMD bingo sheets printed from the EBCMD site system must be in a form approved by the commission.

(4) “Site system,” means the computer hardware, software, and peripheral equipment, approved by the commission, that is used by a licensed organization at the site of its bingo occasion which provides bingo card monitoring devices to players, and which receipts the sale or rental of such cards and devices and generates reports relative to such sales or rentals.

(5) EBCMDs must be acquired by licensed suppliers from a licensed manufacturer and may only be rented or leased by licensed suppliers to licensed bingo operators.

(6) A licensed manufacturer seeking approval of a EBCMD site system software, or other bingo equipment uniquely adapted for use with a EBCMD, will be required to submit a prototype of the device to a designated independent test laboratory as determined by the commission for approval prior to sale or installation in an approved bingo facility.

(7) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) A EBCMD shall be downloaded with electronic bingo cards only by an approved bingo worker or authorized representative of the licensed supplier if accompanied by an approved member of the licensed organization. In the event the EBCMD is the type used to monitor disposable paper bingo cards, an approved bingo worker or authorized representative of the licensed supplier accompanied by an approved member of the licensed organization must enter the bingo card face number(s) into the device. The entering of bingo card face number(s) into a device shall be done only on the premises of the licensed organization and during the bingo occasion.

(B) All downloading into the EBCMD, either from electronic bingo cards or disposable paper bingo cards, must be completed prior to the drawing of the first ball for that bingo occasion. If an EBCMD must be voided and reissued after the start of the game, the EBCMD must be reloaded with the same bingo face numbers or replaced with an EBCMD which was downloaded prior to the drawing of the first ball as described in 11 CSR 45-30.190.

(C) Organizations using EBCMD which require a site system to download electronic bingo cards to EBCMD must ensure that any disposable paper bingo cards used at the bingo occasion are of a different series than the electronic bingo cards, in order to avoid duplication of faces in play.

(D) Organizations using EBCMDs which are used in conjunction with disposable paper bingo cards must ensure that the disposable cards used with the EBCMD are of a unique color, either by screen face or by border, and not sold by the organization for use other than with an EBCMD.

(8) Each EBCMD shall be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers stored in the device a) upon turning off the device after the last bingo game of the occasion has been played, and b) by some secondary timing method.

(9) No EBCMD may be designed to allow bingo players the ability to design their own bingo cards by choosing, rearranging, or placing numbers on a card.

(10) A site system shall not be able to engage in any type of sale, void, or reload transaction unless the EBCMD is connected to and communicating with the site system.

(11) A site system shall not be able to load more than fifty-four (54) electronic bingo cards per bingo game into any one EBCMD. The site system must be interfaced with a printer which produces a continuous hard copy transaction log, including all sale, void and reload transactions and a printout showing the device identification number, and all of the bingo cards and their face numbers loaded into the device. A receipting function for electronic bingo cards must be self-contained within the site system and must record and print out on a copy which is given to the player, the device identification number or ticket number identifying the device, the date, number of electronic bingo cards purchased or loaded, and the total amount charged for the electronic bingo cards.

(12) A site system shall be able to provide the winning game patterns required for the entire bingo occasion on a hard copy printout. The printout must be available upon demand at the bingo occasion. The game operator shall provide an EBCMD bingo sheet from the site system of all electronic bingo cards sold to each player at the time of purchase.

(13) If the commission detects or discovers any malfunction or problem with an EBCMD or site system that could affect the security or integrity of the bingo game, the commission may direct the supplier or licensed organization to cease providing or using the EBCMD or site system, as applicable. The commission may require the supplier to correct the problem or recall the devices or system immediately upon notification by the commission to the supplier.

(A) If a supplier or licensed organization detects or discovers any malfunction or problem with the EBCMD or site system which could affect the security or integrity of the bingo game, EBCMD, or site system, the supplier or licensed organization, as applicable, shall discontinue use of the devices or site system and notify the commission the next working day.

(B) Failure to discontinue use of the EBCMD or site system in such instances will result in disciplinary action by the commission.

(14) The licensed supplier shall serve as the initial contact for the licensed organization with respect to requests for installation, service, maintenance, or repair of EBCMD and site systems.

(A) A licensed supplier may, with commission approval, authorize or subcontract with a person or company to service, maintain, or repair EBCMD and/or site systems; however, the ultimate liability for such service, maintenance, or repair shall be solely that of the licensed supplier.

(15) The licensed supplier shall invoice the licensed organization and collect any and all payments for the rental or lease of the EBCMD used by the licensed organization, and the sale, rental or lease of the site systems to the licensed organization. The supplier shall also invoice the licensed organization and collect any and all payments for the sale of electronic bingo cards, including the applicable taxes as described in accordance with section 313.055, RSMo.

(16) EBCMDs may be transported by a licensed supplier from one location to another for use by more than one licensed organization provided the supplier notifies the commission of the rotation schedule of the EBCMD. However, each licensed organization utilizing a site system must have its own site system, which cannot be moved from its bingo location or be used by another organization without prior approval from the commission. A licensed organization may obtain computer terminals and/or printers to be used in conjunction with site system software obtained from a licensed supplier, from any source.

(17) The use of a player-owned EBCMD at a bingo occasion is prohibited.

(18) EBCMDs shall be rented or leased to bingo players only by the licensed organization conducting the bingo occasion, and only at the time and place of the bingo occasion. A bingo player using an EBCMD must be physically present on the premises, during the time of the bingo occasion, in order to be eligible to play bingo or win any bingo prize.

(19) Regardless of the number of EBCMDs made available for play, at least one device shall be reserved by the licensed organization as a back-up device, in the event a device in play malfunctions.

(20) EBCMDs shall be made available to players on a first-come, first-serve basis. No EBCMD may be reserved for any player, except that a device may be reserved for any player with a disability that would restrict his or her ability to mark cards and such disability is consistent with definitions set forth in the Americans with Disabilities Act.

(21) No bingo player shall be allowed to utilize more than one EBCMD at any time during a bingo occasion.

(22) A bingo player may, in addition to the maximum fifty-four (54) bingo cards per game which he or she purchases to monitor with an EBCMD, purchase additional disposable paper bingo cards to play.

(23) A licensed organization may, at its discretion, charge a separate fee to players for the use of a EBCMD; however, if an organization charges a separate fee for the use of a EBCMD—

(A) The fee charged must be a flat fee, regardless of the number of bingo cards purchased or any other factor; and

(B) The fee charged must be separately stated.

(24) All bingo cards used in conjunction with EBCMDs must conform to the restrictions in sections 313.005(2) and 313.040(17), RSMo. Organizations utilizing EBCMDs must ensure that all

bingo cards including electronic facsimiles used in conjunction with EBCMDs are disposable and are adequately marked to prevent reuse. Bingo cards of a series dedicated to or uniquely compatible with EBCMDs are permitted.

(25) Numbers appearing on a bingo card, identified by a EBCMD to be a winning bingo card, must be verified in the presence of the majority of the players or entry into an electronic card verifier.

(26) Game operators must require that all disposable bingo paper used in conjunction with the game is turned in by each player to the game operator and destroyed, unless instructed otherwise by the commission. Game operators who fail to comply with this requirement are subject to discipline pursuant to section 313.052, RSMo.

(27) The site system must be capable of providing accounting and revenue reports on a daily basis. Additionally, the system must be capable of providing weekly and monthly summaries of the daily reports. These reports must include, at a minimum, the following:

(A) Gross sales of all bingo cards sold and loaded into a EBCMD, gross sales voided and/or canceled and net sales of all bingo cards sold;

(B) Gross number of all bingo cards sold and loaded into an EBCMD, total number of bingo cards voided and/or canceled and net number of bingo cards sold;

(C) Adequate documentation must be maintained to explain any voids or cancellations.

(28) The supplier is responsible for the collection and payment of all the taxes for electronic bingo cards sold and loaded into an EBCMD in accordance with section 313.055, RSMo and any rules and regulations promulgated thereunder. The tax computation will be based upon the information provided in the daily reports generated by the EBCMD site system. Copies of the reports must be provided with the supplier's monthly financial report.

(29) The manufacturer, supplier or game operator may be required to maintain and submit additional information at the request of the commission.

Title 12—DEPARTMENT OF REVENUE

Division 30—State Tax Commission

Chapter 3—Local Assessment of Property and Appeals from Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under sections 138.060 and 138.430, RSMo 2000, the commission adopts a rule as follows:

12 CSR 30-3.075 Receipt of Evidence Indicating Value Greater than Assessor or Board—First Class Charter Counties is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* December 1, 2000 (25 MoReg 2827-2828). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received by the State Tax Commission during the comment period.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 15—Division of Aging

Chapter 15—Residential Care Facilities I and II

ORDER OF RULEMAKING

By authority vested in the Division of Aging under section 198.073, RSMo 2000, the division adopts a rule as follows:

13 CSR 15-15.045 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 214-225). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received two (2) comments from one (1) organization during the thirty-day comment period.

COMMENT: Section (3)(F)—A new requirement was added to the Physical Design and Fire Safety requirement under this section. This requirement reads "Key operated locks shall not be permitted on resident room doors." This rule would be against the resident's rights to privacy. No one should be required to leave their door unlocked so that anyone can walk in whenever they wish. I don't understand the reasoning behind this invasion of privacy. I don't have a problem with a rule saying that the facility shouldn't lock residents in or out of their rooms, but if the resident wishes to lock the door when he or she is in the room, what is the problem? They can still get out if they want to and staff can use a pass key to enter. Changing to a keypad entry is not easier for residents to use themselves. As far as I can see, this rule would take away a basic right from all residents and accomplish no purpose that I can understand.

RESPONSE AND EXPLANATION OF CHANGE: It was not the division's intention to require resident room doors to remain unlocked nor to restrict a resident's right to privacy by permitting resident room doors to remain unlocked. The division's intention was to allow residents to lock the doors to their rooms, but not with the use of "key operated locks." The division believes that residents who wish to lock their doors should be allowed to do so providing staff are able to gain entry to resident rooms in the event of an emergency. To avoid confusion with the interpretation of this subsection of the rule, and to ensure compliance with the fire safety standards found in the provisions of 13 CSR 15-15.022, subsection (5)(D), the division has changed the language in subsection (3)(F) of this rule and added a new subsection (3)(G) so that facilities may allow resident room doors to be locked providing the residents wish to lock their doors and that staff have the mechanisms necessary to lock the resident room doors in order to safeguard the resident's personal property, or unlock the doors in order to gain entry in the event of an emergency or whenever appropriate to protect the health, safety or welfare of residents and their property. Current subsection (3)(G) and (H) shall be relettered as subsections (3)(H) and (I) respectively.

COMMENT: Section (6)—The other problem I see is the high cost of training. I believe that the cost of training will be so prohibitive that this law will not accomplish its intended purpose of allowing residents with dementia to stay in a more homelike setting. The training cost calculation is completely unrealistic. Certified Medicine Aides are paid as much as Certified Nurses Aides in our area. Even our teenage kitchen assistants are paid at least \$7.50 an hour because we need to compete with the fast food places. Because we are a larger facility our cost for training all employees for one (1) hour would be \$525.13. The cost of training all

employees for the required hours would be $\$525.13 \times 24 = \$12,603.00$.

COMMENT: The method of figuring the cost of training for new employees is very unrealistic. We have 50 employees and have had a turnover rate of 36% in the last year. That means that 32 of our employees were with us for all of last year and 18 are new employees. Our turnover rate is much lower than most homes in our area. The part that the formula doesn't consider is that we trained 49 employees last year to find those 18 new employees. In other words, some positions (usually part-time) are turning over again and again. Many new employees find the work too difficult and don't stay with it. If we had done the training this year it could have nearly doubled the cost. This doesn't even consider the continuing cost, of training every employee for 16 hours a year! ($\$525.13 \times 16 = \8402.08) It would have cost us over \$30,000 to keep a few residents for a few months longer. No facility of our size could afford to do all that training and receive very little compensation for it. It won't happen.

I realize that some of the people who wrote amendments to this bill didn't want people with dementia to stay in assisted living as they are doing in most other states, so the training requirements were made very high to be sure that very few RCFs could afford to meet the training requirements. If this provision will ever be used, the law must be changed to remove the requirement that all facility personnel be trained even if they don't give direct care and the number of orientation and continuing education hours must be reduced.

A reasonable requirement would be for the Alzheimer's Association to develop a video that gives the basics of working with people with dementia, and requiring the video to be part of the orientation of all new workers in long-term care. For those employees that give personal care to residents with dementia, I think it would be enough to require one-half an hour a quarter to update and re-enforce the proper way of working with people with dementia. Again, the Alzheimer's Association should develop and update the training program to keep it up to date with the most current research. It would probably be possible for them to get a grant to develop the necessary training. Most of the real education of the personal care team will come as the required individual service plan is developed and implemented for individuals with dementia. It is important to develop a better assessment than the MDS for this purpose.

RESPONSE AND EXPLANATION OF CHANGE: The division does not have the authority to change the minimum training requirements stated in the rule since they are the same as the minimum training requirements stated in subsections (9) and (10) of section 198.073, RSMo 1999. The division has reviewed the fiscal note costs associated with this rule and finds the costs to be reasonable estimates in the aggregate on a statewide basis. If, however, at the end of the first full fiscal year after the implementation of the rule, the division finds that the cost to all affected entities exceeded the estimated cost in the published fiscal note by ten percent or more, the original estimated cost together with the actual cost during the first fiscal year will be published in the *Missouri Register* within ninety (90) days after the close of the fiscal year. Accordingly, the division will contact those residential care facilities II that are providing care and services to residents with Alzheimer's disease or other dementia under the provisions of this rule to determine if the actual cost of compliance with this rule has exceeded the estimated cost by ten percent or more. This review will occur during the month of July 2002. In order to clarify the in-service training requirements for staff, the division has revised the language in subsection (6)(B) by adding paragraphs 1. and 2. The orientation and in-service training requirements for staff are based on several factors including, but not limited to, where in the facility the resident resides, how services are provided, who provides care and services for the resident, whether staff provide

direct or non-direct care or services, and to what degree each staff member has contact with each resident who is physically capable but mentally incapable of negotiating a pathway to safety due to Alzheimer's disease or other dementia.

13 CSR 15-15.045 Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia

(3) Physical Design and Fire Safety Requirements.

(F) The facility shall provide freedom of movement for the residents to common areas and to their personal spaces. The facility shall not lock residents out of or inside their rooms. I/II

(G) The facility may allow resident room doors to be locked providing the residents request to lock their doors. Any lock on a resident room door shall not require the use of a key, tool, special knowledge or effort to lock or unlock the door from inside the resident's room. Only one (1) lock shall be permitted on each door. The facility shall ensure that facility staff have the means or mechanisms necessary to open resident room doors in case of an emergency. I/II

(H) Every facility shall use a personal electronic monitoring device for any resident whose physician recommends the use of such device. II

(I) The facility may provide a designated, separated area where residents, who are mentally incapable of negotiating a pathway to safety, reside and receive services and which is secured by limited access if the following conditions are met:

1. Dining rooms, living rooms, activity rooms, and other such common areas shall be provided within the designated, separated area. The total area for common areas within the designated, separated area shall be equal to at least forty (40) square feet per resident; II/III

2. Doors separating the designated, separated area from the remainder of the facility or building shall not be equipped with locks that require a key to open; I/II

3. If locking devices are used on exit doors egressing the facility or on doors accessing the designated, separated area, delayed egress magnetic locks shall be used. These delayed egress devices shall comply with the following:

- A. The lock must unlock when the fire alarm is activated;
- B. The lock must unlock when the power fails;
- C. The lock must unlock within thirty (30) seconds after the release device has been pushed for at least three (3) seconds, and an alarm must sound adjacent to the door;
- D. The lock must be manually reset and cannot automatically reset; and

E. A sign shall be posted on the door that reads: PUSH UNTIL ALARM SOUNDS, DOOR CAN BE OPENED IN 30 SECONDS. I/II

4. The delayed egress magnetic locks may also be released by a key pad located adjacent to the door for routine use by staff. I/II

(6) Staff Training and Orientation.

(A) All facility personnel who provide direct care to residents who are mentally incapable of negotiating a pathway to safety shall receive at least twenty-four (24) hours of training within the first thirty (30) days of employment.

1. At least twelve (12) hours of the twenty-four (24) hours of training shall be classroom instructions; and

2. Six (6) classroom instruction hours and two (2) on-the-job training hours shall be related to the special needs, care and safety of residents with dementia. II

(B) The in-service training requirements for personnel in a facility that provides services for residents who are mentally incapable of negotiating a pathway to safety, shall be determined as follows:

1. If the residents reside among the entire general population of the facility, all facility personnel, whether or not such person-

nel provide direct care to these residents, shall receive at least four (4) hours of in-service training on a quarterly basis, with at least two (2) such hours relating to the care and safety of residents who are mentally incapable of negotiating a pathway to safety; or

2. If the residents reside within a designated, separated area that is secured by limited access, those personnel who have or could have contact with these residents, shall receive at least four (4) hours of in-service training on a quarterly basis, with at least two (2) such hours relating to the care and safety of residents who are mentally incapable of negotiating a pathway to safety. II

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options, and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board hereby amends a rule as follows:

16 CSR 10-5.030 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 250). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Non-Teacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board hereby amends a rule as follows:

16 CSR 10-6.090 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2001 (26 MoReg 250-251). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 256-257). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 257-259). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.020 Membership Agreement and Participation Period is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 259). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.020 Membership Agreement and Participation Period is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 259–262). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.040 Indemnity Plan Summary of Medical Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 262–263). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.040 PPO Plan Summary of Medical Benefits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 263–264). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.045 Co-Pay Plan Summary of Medical Benefits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 264–265). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.050 Indemnity Plan Benefit Provisions and Covered Charges is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 265–266). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.050 PPO Plan Benefit Provisions and Covered Charges is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 266–267). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.055 Co-Pay Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 267–268). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.060 Indemnity Plan Limitations **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 268–269). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.060 PPO and Co-Pay Plan Limitations **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 269–271). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.063 HMO/POS/POS98 Summary of Medical Benefits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 271). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.063 HMO/POS Premium Option Summary of Medical Benefits **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 271–272). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.064 HMO/POS Standard Option Summary of Medical Benefits **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 272–273). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.065 Staff Model Summary of Medical Benefits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 273-274). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.067 HMO and POS Limitations is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 274-275). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.067 Staff Model, HMO and POS Limitations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 275). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.070 Coordination of Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 276). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.070 Coordination of Benefits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 276-277). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.075 Review and Appeals Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 277). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

**Division 10—Health Care Plan
Chapter 2—Plan Options**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.075 Review and Appeals Procedure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 277-279). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN****Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.080 Miscellaneous Provisions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2001 (26 MoReg 279). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN****Division 10—Health Care Plan
Chapter 2—Plan Options****ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.080 Miscellaneous Provisions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2001 (26 MoReg 279-280). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:

APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the June 4, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

03/23/01

#3106 HS: Missouri Baptist Medical Center,
\$1,625,000, Replace angiography suite,
St. Louis (St. Louis County)

#2902 NP: Crestview Home, Inc.,
\$1,998,308, Long-term care bed
expansion of 30 skilled nursing facility beds,
Bethany (Harrison County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by April 22, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COMMUNITY DEVELOPMENT HOLDINGS, L.L.C.

Community Development Holdings, L.L.C., a Missouri limited liability company, filed a Notice of Winding Up on March 19, 2001. Any claims against the corporation may be sent to Robert C. Graham, III, c/o Armstrong Teasdale LLP, One Metropolitan Square, Suite 2600, St. Louis, MO 63102. Each claim must include the name, address, and telephone number of the claimant, the dates of occurrence of events upon which the claim is based and a brief description of the basis for the claim or the nature of the debt, the amount of the claim and whether the claim is secured, and, if so, the nature of the security. Any claim against Community Development Holdings, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Date of Publication:

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**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E01095 Trucks: Diesel 5/1/01;
B1E01096 Trailer: Semi 5/1/01;
B1E01255 Rock Salt 5/1/01;
B1E01258 Filters: Disposable Air 5/1/01;
B1Z01352 Meats-June 5/1/01;
B1E01319 Testing Kits 5/2/01;
B1E01363 Bakery Products-SCCC 5/2/01;
B1E01364 Dairy Products-SCCC 5/2/01;
B2Z01046 Analysis of Gas Supply & Hedging Practices 5/2/01;
B2Z01050 Software Development for Periphonics IVR 5/2/01;
B1E01280 Dairy Products-Moberly Correctional Center 5/3/01;
B1E01295 Gases, Rental 5/3/01;
B3E01205 Printing: 6" x 9" Missouri Wildflowers Book 5/3/01;
B1E01312 Concession Equipment 5/4/01;
B2Z01052 Virtual Tape System 5/4/01;
B3E01181 Language Translation-Written 5/4/01;
B1E01351 Video System: In-Car 5/9/01;
B2Z01037 IDS & TCP/IP Network Monitoring Software 5/9/01;
B2Z01041 Catalog Management Software 5/9/01;
B3E01202 Janitorial Services 5/9/01;
B3E01209 Janitorial Services 5/9/01;
B3Z01178 Services for Low-Income Native Americans 5/9/01;
B2Z01028 Campground Reservation System 5/10/01;
B3Z01084 Mental Health Svc-Community Based Treatment Program 5/14/01;
B3Z01131 Stay At Home Parent Program 5/14/01;
B3Z01133 Child Care Program Accreditation Facilitation Services 5/14/01;
B2Z01033 Disaster Recovery Contingency Services 5/17/01;
B3Z01168 Evaluation & Consulting Services 5/21/01;
B3Z01185 Satellite Space Services 5/22/01;
B3Z01193 Insurance Broker-OCIP 5/22/01;
B3Z01196 Transcription Services-Medical 5/22/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Integrated Voice Response (IVR) System Maintenance, supplied by Nortel Networks, Inc.

JOB/SCAN Software Maintenance, supplied by Diversified Software Systems, Inc.

James Miluski, CPPO,
Acting Director of Purchasing

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535
				25 MoReg 2478
1 CSR 10-15.010	Commission of Administration	26 MoReg 103	26 MoReg 641		
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393		
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394		
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R		
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2872	26 MoReg 865	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		25 MoReg 2872	26 MoReg 865	
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2873	26 MoReg 865	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 70-13.030	Plant Industries		This Issue		
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788	26 MoReg 865	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		26 MoReg 319	26 MoReg 866	
3 CSR 10-4.115	Conservation Commission		26 MoReg 319	26 MoReg 866	
3 CSR 10-4.116	Conservation Commission		26 MoReg 646		
3 CSR 10-11.805	Conservation Commission		26 MoReg 649		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.010	Acupuncturist Advisory Committee		25 MoReg 2374		
4 CSR 15-1.020	Acupuncturist Advisory Committee		25 MoReg 2375		
4 CSR 15-1.030	Acupuncturist Advisory Committee		25 MoReg 2375		
4 CSR 15-1.040	Acupuncturist Advisory Committee		25 MoReg 2379		
4 CSR 15-2.010	Acupuncturist Advisory Committee		25 MoReg 2379		
4 CSR 15-2.020	Acupuncturist Advisory Committee		25 MoReg 2384		
4 CSR 15-2.030	Acupuncturist Advisory Committee		25 MoReg 2388		
4 CSR 15-2.040	Acupuncturist Advisory Committee		25 MoReg 2392		
4 CSR 15-3.010	Acupuncturist Advisory Committee		25 MoReg 2392		
4 CSR 15-3.020	Acupuncturist Advisory Committee		25 MoReg 2395		
4 CSR 15-3.030	Acupuncturist Advisory Committee		25 MoReg 2395		
4 CSR 15-4.010	Acupuncturist Advisory Committee		25 MoReg 2396		
4 CSR 15-4.020	Acupuncturist Advisory Committee		25 MoReg 2397		
4 CSR 15-5.010	Acupuncturist Advisory Committee		25 MoReg 2397		
4 CSR 15-5.020	Acupuncturist Advisory Committee		25 MoReg 2401		
4 CSR 30-6.015	Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 12	26 MoReg 866	
4 CSR 30-6.020	Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 17	26 MoReg 866	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 60-1.025	State Board of Barber Examiners		26 MoReg 20	26 MoReg 866	
4 CSR 60-1.030	State Board of Barber Examiners		26 MoReg 22	26 MoReg 867	
4 CSR 60-4.015	State Board of Barber Examiners		26 MoReg 24	26 MoReg 867	
4 CSR 90-7.010	State Board of Cosmetology		26 MoReg 322R		
			26 MoReg 322		
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 697R		
			26 MoReg 697		
4 CSR 90-11.010	State Board of Cosmetology		26 MoReg 328		
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5 CSR 80-800.230	Urban and Teacher Education		This Issue		
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7 CSR 10-10.070	Highways and Transportation Commission	26 MoReg 9	26 MoReg 45	26 MoReg 872	
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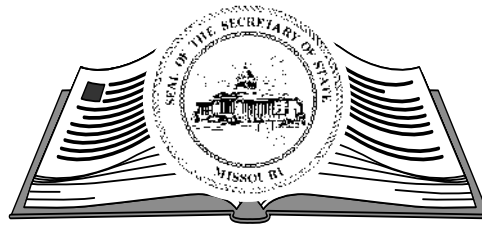
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